

to the Committee on Immigration and Naturalization.

970. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1947, in the amount of \$1,500,000, for the Panama Canal, in the form of an amendment to the Budget for said fiscal year (H. Doc. No. 417); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. JARMAN: Committee on Printing. Senate Concurrent Resolution 43. Concurrent resolution providing for the printing of additional copies of the hearings held before the Joint Congressional Committee on the Investigation of the Pearl Harbor Attack; without amendment (Rept. No. 1483). Referred to the House Calendar.

Mr. HENDRICKS: Committee on Appropriations. H. R. 5201. A bill making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1947, and for other purposes; without amendment (Rept. No. 1484). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLANNAGAN: Committee on Agriculture. S. 765. An act concerning the establishment of meteorological observation stations in the Arctic region of the Western Hemisphere for the purpose of improving the weather-forecasting service within the United States and on the civil international air transport routes from the United States; without amendment (Rept. No. 1485). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. House Joint Resolution 301. Joint resolution to amend Public Law 30 of the Seventy-ninth Congress, and for other purposes; with amendment (Rept. No. 1486). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on Labor. H. R. 4437. A bill to provide for the return of public employment offices to State operation, to amend the act of Congress approved June 6, 1933, and for other purposes; without amendment (Rept. No. 1487). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOFFMAN:

H. R. 5202. A bill to protect employees and employers engaged in interstate and foreign commerce; to the Committee on Labor.

H. R. 5203. A bill to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce; to diminish unemployment; to establish a national policy for assuring continuing employment in a free competitive economy and to protect the right to work; to the Committee on Labor.

By Mr. BROOKS:

H. R. 5204. A bill to provide for a proposed system for retirement of members of the Reserve forces of the Army of the United States; to the Committee on Military Affairs.

By Mr. EDWIN ARTHUR HALL:

H. R. 5205. A bill relating to the base pay of enlisted men of the Army, Navy, Marine Corps, and Coast Guard; to the Committee on Military Affairs.

By Mr. SPARKMAN:

H. R. 5206. A bill to establish a Federal Commission for the Physically Handicapped, to define its duties, and for other purposes; to the Committee on Labor.

By Mr. BLAND:

H. Res. 490. Resolution providing additional compensation for certain employees in the Office of the Doorkeeper; to the Committee on Accounts.

By Mr. GOODWIN:

H. Res. 491. Resolution creating a select committee to investigate the policy of the War Department retarding demobilization; to the Committee on Rules.

By Mr. RANDOLPH:

H. Res. 492. Resolution for the consideration of H. R. 4437, a bill to provide for the return of public employment offices to State operation, to amend the act of Congress approved June 6, 1933, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN of New York:

H. R. 5207. A bill for the relief of the Giuckin Corp.; to the Committee on Claims.

By Mr. BYRNE of New York:

H. R. 5208. A bill for the relief of Michael J. Keaveney and Mary C. Keaveney; to the Committee on Claims.

By Mr. COFFEE:

H. R. 5209. A bill for the relief of Archie A. Plante and Earl T. Creech; to the Committee on Claims.

By Mrs. LUCE:

H. R. 5210. A bill for the relief of Mrs. Yvonne Nguyen-Thi-Tung Rogoff; to the Committee on Immigration and Naturalization.

By Mr. McDONOUGH:

H. R. 5211. A bill for the relief of Lorraine E. Graus; to the Committee on Claims.

By Mr. McMILLAN of South Carolina:

H. R. 5212. A bill for the relief of the dependents of Cecil M. Foxworth, deceased; to the Committee on Claims.

H. R. 5213. A bill for the relief of G. B. Gardner; to the Committee on Claims.

By Mr. RYTER:

H. R. 5214. A bill for the relief of John Petrizzo; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1481. By Mr. CANNON of Missouri: Petition of Mr. Herbert R. Wallenbrock and numerous representative citizens of St. Charles, Mo., relative to redeployment and demobilization; to the Committee on Military Affairs.

1482. Also, petition of Mrs. Elmer Koch and numerous representative citizens of St. Charles, Mo., relative to redeployment and demobilization; to the Committee on Military Affairs.

1483. By Mr. EATON: Resolution of the New Jersey Bar Association, protesting against curtailing of jurisdiction of the several district courts of the United States; to the Committee on the Judiciary.

1484. Also, resolution of the Association of the Sons of Poland, approving adoption of House Concurrent Resolution 109; to the Committee on Foreign Affairs.

1485. By Mr. HAVENNER: Petition of 283 citizens of San Francisco and other parts of California, urging the adoption of House Concurrent Resolution 89, which reads as follows:

"Resolved by the House of Representatives (the Senate concurring), That the Congress hereby express itself that anti-Semitism

and other forms of hate propaganda directed against racial or religious groups, which arrays creed against creed, and race against race, is a potent weapon in the hands of the enemies of this country and of its institutions; that the spreading of this Hitlerite ideology destroys the unity of this Nation, creates discord among our people, and is a threat to our future peace and security. Whosoever conducts or participates in such propaganda is un-American and is undermining the foundations upon which our Nation was founded, therefore, there can be no place in the lives or thoughts of true Americans for such ideology."

To the Committee on the Judiciary.

SENATE

WEDNESDAY, JANUARY 23, 1946

(Legislative day of Friday, January 18, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Almighty God, who sustainest man's spirit by an undying hope, our faint and feeble petitions mock any poor attempts to voice the desperate cry of our lives for Thee. We acknowledge the supreme need that our character and our caliber be greatened to match the demands of this time for spacious thinking. Help us to know that all gracious service in life's brief span is based on the gentleness which makes for greatness; on patience which endureth to the end; on truth which alone makes us free; and on toil which takes all, yet gives all. We pray not to be saved from the earthly ills to which flesh is heir, but we ask that above all there may be given us the enabling grace that we may never betray for expediency's sake the high solemnities of duty which are the very breath of our integrity. In the name of the Redeemer who endured the cross, despising the shame. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 473) relating to pay and allowances of officers of the retired list of the Regular Navy and Coast Guard performing active duty in the rank of rear admiral, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3243. An act to amend the act entitled "An act to establish a National Archives of the United States Government, and for other purposes";

H. R. 3580. An act to authorize municipalities and public-utility districts in the Territory of Alaska to issue revenue bonds for public-works purposes;

H. R. 3614. An act to ratify and confirm Act 33 of the Session Laws of Hawaii, 1945, extending the time within which revenue bonds may be issued and delivered under chapter 118, Revised Laws of Hawaii, 1945;

H. R. 3657. An act to ratify and confirm Act 32 of the Session Laws of Hawaii, 1945;

H. R. 4932. An act to amend section 9 of the Boulder Canyon Project Act, approved December 21, 1928; and

H. R. 5135. An act to amend the Agricultural Adjustment Act of 1938, as amended.

JOURNAL OF THURSDAY, JANUARY
17, 1946

The Senate resumed the consideration of the motion of Mr. OVERTON to amend the Journal of the proceedings of the Senate of Thursday, January 17, 1946.

Mr. TAFT. Mr. President, I move to lay on the table the motion of the Senator from Louisiana [Mr. OVERTON] to amend the Journal.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	Green	Myers
Bailey	Guffey	O'Daniel
Bankhead	Gurney	Pepper
Barkley	Hart	Reed
Bilbo	Hatch	Robertson
Brewster	Hayden	Russell
Bridges	Hickenlooper	Saltonstall
Briggs	Hill	Shipstead
Buck	Hoey	Smith
Bushfield	Huffman	Stanfill
Butler	Johnson, Colo.	Stewart
Byrd	Johnston, S. C.	Taft
Capehart	La Follette	Taylor
Capper	McClellan	Thomas, Okla.
Chavez	McFarland	Thomas, Utah
Cordon	McKellar	Tydings
Donnell	McMahon	Wherry
Downey	Magnuson	White
Eastland	Maybank	Wiley
Ferguson	Mead	Willis
Fulbright	Millikin	Wilson
George	Morse	Young
Gossett	Murdock	

The PRESIDENT pro tempore. Sixty-eight Senators having answered to their names, a quorum is present.

The question is on agreeing to the motion of the Senator from Ohio [Mr. TAFT] to lay on the table the motion of the Senator from Louisiana [Mr. OVERTON] to amend the Journal of Thursday, January 17, 1946.

Mr. TAFT. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. REED (when his name was called). I have a general pair with the senior Senator from New York [Mr. WAGNER]. On this vote I understand he would vote, if present, as I am about to vote. I vote "yea."

Mr. RUSSELL (when his name was called). Inasmuch as the Senator from Louisiana [Mr. OVERTON] did not respond when his name was called on the vote which is being taken on the motion to lay on the table the motion of the Senator from Louisiana, I announce that he is, unfortunately, ill, being in the hospital at this time, and for that reason could not be present to vote when his name was called. If the Senator from Louisiana were present, of course, he would vote against the motion made by the Senator from Ohio.

Mr. MAGNUSON. I wish to announce that my colleague the junior Senator from Washington [Mr. MITCHELL] is absent on official business, and that if he were present he would vote "yea."

Mr. SMITH. Mr. President, I desire to offer an amendment to the pending bill.

The PRESIDENT pro tempore. That is not in order at this time.

Mr. MEAD. I desire to announce the unavoidable absence because of illness of my colleague the senior Senator from New York [Mr. WAGNER]. I also announce that, if he were present, he would vote "yea" on this question.

The roll call was concluded.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nevada [Mr. CARVILLE], the Senators from Montana [Mr. MURRAY and Mr. WHEELER], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

The Senator from Louisiana [Mr. ELLENDER], the Senator from Rhode Island [Mr. GERRY], and the Senator from West Virginia [Mr. KILGORE] are detained on official business at various Government departments.

The Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Maryland [Mr. RADCLIFFE] are detained on public business.

The Senator from Massachusetts [Mr. WALSH] is detained on official business at the White House.

The Senator from Texas [Mr. CONNALLY] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

The Senator from Delaware [Mr. TUNNELL] is absent on official business, as a member of the Mead committee.

I wish to announce further that if present and voting the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], the Senator from Montana [Mr. MURRAY], the Senator from Delaware [Mr. TUNNELL], and the Senator from Massachusetts [Mr. WALSH] would vote "yea."

I also announce that if present and voting the Senator from Florida [Mr. ANDREWS], and the Senator from Louisiana [Mr. ELLENDER] would vote "nay."

Mr. WHERRY. The Senator from Michigan [Mr. VANDENBERG] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations now being held in London.

The Senator from Vermont [Mr. AIKEN] and the Senator from Minnesota [Mr. BALL] are absent because of illness. Both of these Senators would vote "yea" if present.

The Senator from California [Mr. KNOWLAND] is absent on official business as a member of the Mead committee. If present he would vote "yea."

The Senator from Illinois [Mr. BROOKS], the Senator from North Dakota [Mr. LANGER], and the Senator

from New Hampshire [Mr. TOBEY] are necessarily absent. All of these Senators would vote "yea" if present.

The Senator from West Virginia [Mr. REVERCOMB] is detained on official business.

The Senator from New Jersey [Mr. HAWKES] is necessarily absent.

The result was announced—yeas 48, nays 20, as follows:

YEAS—48

Austin	Guffey	Reed
Barkley	Gurney	Saltonstall
Brewster	Hart	Shipstead
Bridges	Hayden	Smith
Briggs	Hickenlooper	Stanfill
Buck	Huffman	Taft
Butler	Johnson, Colo.	Taylor
Capehart	La Follette	Thomas, Okla.
Capper	McFarland	Thomas, Utah
Chavez	McMahon	Tydings
Cordon	Magnuson	Wherry
Donnell	Mead	White
Downey	Morse	Wiley
Ferguson	Murdock	Willis
Gossett	Myers	Wilson
Green	Pepper	Young

NAYS—20

Bailey	George	Maybank
Bankhead	Hatch	Millikin
Bilbo	Hill	O'Daniel
Burkhead	Hoey	Robertson
Byrd	Johnston, S. C.	Russell
Eastland	McClellan	Stewart
Fulbright	McKellar	

NOT VOTING—28

Aiken	Kilgore	Radcliffe
Andrews	Knowland	Revercomb
Ball	Langer	Tobey
Brooks	Lucas	Tunnell
Carville	McCarran	Vandenberg
Connally	Mitchell	Wagner
Ellender	Moore	Walsh
Gerry	Murray	Wheeler
Glass	O'Mahoney	
Hawkes	Overton	

So Mr. TAFT's motion to lay on the table the motion of Mr. OVERTON to amend the Journal was agreed to.

Mr. HOEY, Mr. WHERRY, Mr. SMITH, and Mr. MORSE addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. HOEY] is recognized.

Mr. TYDINGS. Mr. President, before the Senator from North Carolina begins his address, will he yield to me?

Mr. HOEY. I yield for a question.

Mr. TYDINGS. I should like to ask the Senator from North Carolina if he will yield to me long enough for me to request that I be excused from attendance on sessions of the Senate for the remainder of the day and tomorrow. Because of illness in my family I find that it is essential that I leave the Capitol.

Mr. HOEY. I am glad to yield provided I do not lose the floor.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maryland that he be excused from attendance on sessions of the Senate for the remainder of today and tomorrow? The Chair hears none, and leave is granted.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. HOEY. I yield for a question.

Mr. BUTLER. I should like to ask the Senator to yield for exactly the same purpose as the Senator from Maryland requested the Senator to yield, with the understanding that the Senator shall not lose the floor.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield for that purpose?

Mr. HOEY. I yield.

Mr. BUTLER. I find it necessary to be absent from the Senate, leaving Thursday night and returning Tuesday next. I ask permission to be absent.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and leave is granted.

Mr. HOEY. Mr. President, I send to the desk an amendment, which I desire to offer to the Journal.

The PRESIDENT pro tempore. The amendment will be stated.

The Chief Clerk read as follows:

I move to amend the Journal of Thursday, January 17, 1946, so as to show the names of all Senators who did not answer to the first quorum call on page 35.

Mr. HOEY. Mr. President, I wish to discuss some phases of this bill, described as a so-called Fair Employment Practice Act—

Mr. PEPPER. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. The motion, as I heard it read, referred to the correction of the Journal, and the Senator has announced that he proposes to discuss a piece of legislation not related to or germane to the motion. I make the point of order that the Senator is not addressing himself to the motion.

The PRESIDENT pro tempore. Under the rules of the Senate it is not required that any Senator speak to the question before the Senate. He may speak on whatever subject he chooses. That is both the written and unwritten law.

Mr. PEPPER. Mr. President, I appeal from the decision of the Chair.

Mr. RUSSELL. Mr. President—

Mr. HOEY. Mr. President, I reserve the right to speak on that question.

Mr. PEPPER. Mr. President, a point of order.

Mr. RUSSELL. Mr. President, I believe I have the floor.

The PRESIDENT pro tempore. The Senator from North Carolina has the floor. Does he yield?

Mr. HOEY. No. I have not yielded.

Mr. PEPPER. Mr. President, I make the point of order, and I ask the further question, Is the point of order debatable?

The PRESIDENT pro tempore. In the opinion of the Chair, a Senator who has the floor cannot be taken from the floor in order to submit a question of that kind.

Mr. PEPPER. Mr. President, a point of order. Is it not possible to make a point of order at any time?

Mr. RUSSELL. Mr. President, a Senator cannot be taken from the floor when he has been recognized, by a point of order or any other device.

The PRESIDENT pro tempore. Unless the Senator from North Carolina violates some rule, another Senator cannot take him off the floor by making a point of order of that kind.

Mr. PEPPER. In other words, while one Senator has the floor, it is not possible for any other Senator to raise a point of order?

The PRESIDENT pro tempore. Oh, yes; it is possible.

Mr. PEPPER. Is not that the question?

The PRESIDENT pro tempore. The Chair is sure that the question raised by the Senator would not be regarded as a point of order.

Mr. PEPPER. Mr. President, I do make the point of order—

Mr. RUSSELL. Mr. President, I make the point of order that the Senator from Florida is out of order in trying to take the Senator from North Carolina from the floor.

The PRESIDENT pro tempore. The Senator from North Carolina has the floor.

Mr. PEPPER. Did the Chair rule on the appeal?

Mr. HOEY. Mr. President, the Senator did not wait until I had finished my statement.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield further?

Mr. HOEY. No; I do not yield.

The PRESIDENT pro tempore. The Senator from North Carolina has the floor.

Mr. PEPPER. Mr. President, did the Chair rule on the point of order?

The PRESIDENT pro tempore. The Senator from North Carolina has the floor.

Mr. PEPPER. Did the Chair rule on the point of order made?

The PRESIDENT pro tempore. The Chair does not consider the question raised by the Senator from Florida a point of order.

Mr. PEPPER. Does the Chair decline to allow an appeal?

The PRESIDENT pro tempore. The Chair is acting under the advice of the Parliamentarian, as should always be done in such cases. The Parliamentarian informs the Chair that the Senator from Florida is not in order, and that a vote cannot be had upon the so-called appeal of the Senator from Florida.

Mr. HOEY. Mr. President, I had not finished my preliminary statement when the Senator from Florida raised his point of order. I had stated that I wished to speak upon some phases of the bill. The Senator from Florida then interrupted. I had intended to add that I wish to discuss incidentally the amendment which I have offered.

Reverting to the question which I wish to discuss first, I desire to talk about this bill not from the standpoint of a southerner, although I am an intense southerner, but rather from the standpoint of an American citizen, because I am a more intense American. I do not believe that the bill would accomplish the results for which its sponsors hope.

Mr. TAFT. Mr. President—

The PRESIDENT pro tempore. For what purpose does the Senator rise?

Mr. TAFT. I rise to a point of order. The motion made by the Senator from North Carolina is a frivolous motion, a motion to correct the Journal.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield for that purpose?

Mr. HOEY. No. I have not yielded.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. TAFT. Mr. President, cannot a point of order be made at any time?

The PRESIDENT pro tempore. The Senator would have to obtain the floor before making a point of order. A Senator cannot be taken from the floor in that way. It is not fair; it is not just; and it is not going to be done.

Mr. PEPPER. Mr. President, a point of order—

Mr. HOEY. Mr. President, may I proceed?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield?

Mr. HOEY. I decline to yield.

The PRESIDENT pro tempore. The Senator from North Carolina declines to yield. He has the floor.

Mr. PEPPER. Mr. President, will the Presiding Officer hear rule XX, with reference to a point of order being made at any time?

The PRESIDENT pro tempore. At the proper time the Chair will hear any Senator.

Mr. PEPPER. Will the Chair—

The PRESIDENT pro tempore. But the Chair will not hear a Senator when the Senator who has the floor declines to yield. The Senator from North Carolina has the floor.

Mr. PEPPER. I invite the attention of the Chair to rule XX.

Mr. HOEY. Mr. President, I should like to proceed with my speech, if I may have an opportunity.

Mr. TYDINGS. Mr. President, will the Senator yield to me for a question?

Mr. HOEY. I yield for a question.

Mr. TYDINGS. I should like to ask the Senator from North Carolina, and through him the Chair, if all these points of order on the motion are not out of order for the reason that if the point of order were valid it would have to be made at the time the proposal was offered by the Senator from North Carolina, and not after he obtained the floor in his own right to address the Senate.

Mr. PEPPER. Mr. President, will the Senator yield for a question?

Mr. HOEY. No; I decline to yield. I wish to proceed with my speech.

Mr. PEPPER. Will the Senator yield for a question?

Mr. HOEY. No; I decline to yield.

Mr. President, I was about to say that I think I can say without any question that I have no prejudice because of race, color, creed, or national origin. I believe that my whole past life justifies that statement. I certainly have no prejudice against Negroes. I have known them all my life. I have lived in the same locality with them. Thirty percent or more of the population of my State consists of Negroes. They have been my friends, and I have been their friend. I think I know the Negro character. I know his strength, and I know his weakness. I am familiar with his abilities, and I also know his limitations. I like him. During the 4 years that I served as governor of my State I exerted to the fullest extent the powers of my office to see that there was no discrimination against Negroes anywhere, at any time, or under any circumstances, and

that they had the full protection and benefit of the law.

I believe that the situation in North Carolina is illustrative of the condition obtaining throughout the South. The general public has an idea that in the South Negroes are very grossly discriminated against. I should like to discuss that phase of the matter for a little while, and I should like to discuss the treatment of Negroes in North Carolina as illustrative of the treatment of Negroes in the South. I think the public is entitled to know something about what happens with reference to our racial issue.

I may say that in North Carolina we have practically no race problem. I have heard more about race and about color and about creed and about national origin in Washington during the brief period I have been here than I have heard for 20 years in North Carolina. Our people largely are satisfied. They are making progress—both whites and colored and Indian. They are going forward. They are developing the State. They believe in their State. They believe in themselves. They believe in fairness and justice to everyone.

What is the condition in North Carolina? I think the country at large misconstrues segregation for discrimination. I do not believe in race prejudice. I believe in race pride. I do not believe in race amalgamation, but I believe in race integrity. I do not believe in social equality, but I believe in equality before the law.

We talk about discrimination, but, like a great many other things, discrimination cannot be regulated by law. Sin cannot be controlled by law. You cannot pass a law to make everybody love his enemy. We cannot regulate the whole economy of man and the thought of man by passing a law.

I said there have been discriminations all along. There always have been, there are now, and there always will be discriminations in our whole economy. Discriminations occur not only between races and between people of different creeds or different national origins, but between people of the same race and of the same creed and of the same national origin. Discrimination runs all through nature. There was discrimination in creation. Some men have five talents; some men have two; some men have one. We have discrimination in ability all along the line; and when we undertake to pass a law to eliminate and abolish discrimination, then we are going far afield, because it is a thing which cannot be remedied or abolished by passing a law.

Coming back to North Carolina, a moment ago I said that in our State we believe in segregation. We practice it, and it is satisfactory to both the whites, the colored, and the Indians in North Carolina. Why is it satisfactory? Because it gives everyone a chance. It is not discrimination. I would always challenge the right of any man to discriminate against some other man because of his color or because of his race or because of his creed. I do not need to argue that question, I think. My distinguished colleague, the senior Senator

from North Carolina [Mr. BAILEY], in his magnificent speech the other afternoon referred to the fact that when the question of intolerance as to creed was presented squarely in the 1928 Presidential election, both of us—both the distinguished senior Senator and myself—cavassed our State advocating the election of a Catholic, while both of us are Protestants. I made 66 speeches in North Carolina in that campaign, and in every county of the State I upheld the right of any man to be elected President without regard to his religious affiliation, and I challenged the thought that anyone should be discriminated against because he happened to be a Catholic, and different in faith from most of the people in North Carolina. If Alfred Smith had been a Jew, I would have made the same speeches and I would have challenged the same intolerance. I believe in fairness to everyone. I have no prejudice against the Catholic Church. I recall its works of mercy, its ministries of love, its victories of faith, and I certainly would not undertake to discriminate against the church which has served to light the fires of faith in Jesus Christ during difficult times, even during the Dark Ages, and which, even though at times imperfectly and falteringly, has kept the faith.

I have no prejudice against Jews. Some of the finest citizens of North Carolina are Jews, and they are prominent in the material development of the State and in furthering its civic welfare and in the good leadership of the people of the State. Certainly we have no prejudice against the race which has preserved the thought of one God during the centuries and has given us the mighty prophets and seers and the lawgivers of the church and Nation for all time, by which the progress of all men and of their economy is and shall be determined. So Mr. President, with reference to the Jews and the Catholics I have no prejudice. I want them to have fairness and justice, and I may say they get it everywhere in North Carolina.

Then coming back to the Negroes, because I think most of the people who are supporting this bill have in mind the idea that they are going to change the situation in the South with reference to the treatment of the Negro, let me say that the situation in the South is not perfect; I would not maintain that it is. I may also say that in other sections of the country it is not found to be perfect, either. But in the South we have made great progress. We are doing in my own State, as typical of other Southern States, the thing which I think counts for more in the life of the Negroes of this Nation than anything else which is being done anywhere throughout the North or the West, with all due respect and deference to those great sections of the country. What is happening in North Carolina? A few moments ago I mentioned that we have segregation. We do. The white people and the Negroes do not associate together in social functions; they do not go to school together; they do not go to church together; they do not work together, except in limited employments. That is satisfactory to both races. It does not

deny to any Negro in North Carolina the right to all the benefits of his whole life and character, and it gives him the purpose and the privilege and the opportunity of serving along with his own people, where he is happier, and where everyone else concerned is more content.

Let us consider education. Do you know, Mr. President, that in North Carolina we treat the Negroes better than they are treated in Pennsylvania, better than they are treated in New York, better than they are treated in Ohio or in Michigan or in any of the other States where provision is made for all children to attend the same schools? Let me illustrate that point for a moment. In North Carolina we have, in round figures, approximately 267,000 Negro children in the public schools. The State operates 9-month-term schools for the Negro children, which is exactly the same number of days and hours that the schools for white children are conducted. In every Negro school in North Carolina the State employs a Negro teacher, and it pays those teachers the same salaries, if they have the same certificates and the same number of years of experience, that are paid to the white teachers. The colored teachers receive the same salaries which the white teachers receive. When I was Governor of North Carolina there was considerable difference or gap between them. We have gradually moved along until we have closed up that gap entirely, and we pay the Negro teacher exactly the same salary that we pay the white teacher. So every Negro child in North Carolina has the privilege and the opportunity to be taught by a Negro teacher.

In addition to that, we in North Carolina have five Negro colleges which the State supports. In every one of those institutions—and they are splendid, outstanding institutions—every professor is a Negro, and the president of each of the colleges is a Negro, so that the Negro students who go to those institutions are taught by teachers of their own race, imbued with the spirit and high traditions of that race, and there is sought to be inculcated in the students the thought of pride in their race and the advancement of Negroes in this country.

What happens in other States? Let us consider New York, for instance. New York has a little more than half as many Negro children as North Carolina has. How many Negroes teach in the public schools in New York? The nearest figure I can obtain is 610. Six hundred and ten Negro teachers teach more than half as many Negro children as there are in North Carolina. What does that mean? It means that if New York had exactly the same number of Negro children in school which North Carolina has, on that basis New York would have 1,112 Negro teachers. How many do we have in North Carolina, for the same number of Negro children? We have 7,433 Negro teachers. In other words, in North Carolina we employ 7,433 Negro teachers, but on a comparable basis New York would employ only 1,112. Who is discriminating against them and where?

Let us take Ohio. Ohio does a little bit better than New York in respect to

the number of Negro teachers employed in proportion to the Negro population. Let me give the exact figures. I have been citing these figures from memory, but I went to the trouble of securing the exact figures. Ohio has 74,809 Negro children in its schools, and they have 557 Negro teachers. That is the largest percentage of Negro teachers in proportion to the number of Negro pupils in school that any Northern or Western State has; it is the largest number which any State outside of the South has. In other words, in the States where Negro and white children go to the same schools, they let the Negroes go to the white schools, but the white teachers do the teaching. The Negro is barred from teaching. He does not get a chance to teach his own people. Ohio does better than any of the other Northern or Western States, in proportion to its Negro population; yet on a comparable basis Ohio, with its 74,809 Negro children and 557 teachers, would have, if it had as many as North Carolina, 1,949 Negro teachers. In other words, if there were as many Negro students in Ohio as there are in North Carolina, on the same basis as that maintained in North Carolina, Ohio would have 1,949 Negro teachers, as against North Carolina's 7,433 Negro teachers.

Mr. MURDOCK. Mr. President, will the Senator yield to me?

Mr. HOEY. I yield for a question.

Mr. MURDOCK. Would it be permissible for a white person to teach in the Negro schools of North Carolina?

Mr. HOEY. No, sir.

Mr. MURDOCK. Is the white teacher barred from teaching in the Negro schools in North Carolina?

Mr. HOEY. The white person is barred both from sending his children to the Negro schools and from teaching there. Similarly, we have several hundred thousand Indians in North Carolina, and in the same way we maintain separate schools for them and we provide Indian teachers. We also maintain two colleges for them, and we maintain Indian teachers in those colleges.

Mr. MAYBANK. Is it not a fact that there was a time when there were white teachers in the Negro schools, and by mutual agreement a solution was worked out? That was the case in South Carolina, as I remember.

Mr. HOEY. That situation occurred during reconstruction times but has not occurred since then.

Mr. MAYBANK. But the agreement was a mutual one. It was satisfactory.

Mr. HOEY. Yes.

Mr. President, the Negroes of my State do not want to have mixed schools. The fact that they are segregated is no discrimination against them. In the schools they are given the same opportunities accorded to white children.

Let us take the State of Pennsylvania. Pennsylvania has an enrollment of 115,699 Negro school children. It has 400 Negro teachers. It has a little less than half as many Negro children as North Carolina. In Pennsylvania, according to the same proportion of Negro children to white children, Pennsylvania would have 900 Negro teachers. The State of Pennsylvania allows Negro children to attend white schools, but it requires them to be

under the control of white teachers. In Pennsylvania the Negro is not allowed to rise, nor is he given an opportunity. The Negro is held down. He is crushed and not given an opportunity to advance. We in the South believe in giving the Negro an opportunity to advance.

The figures which I have given with respect to Pennsylvania are not absolutely accurate, but they are the best estimates which I could obtain. The officials of Pennsylvania will not indicate whether a man is white or a Negro. They claim that the only way in which to get the information is to go to the Bureau of the Census. I have never seen such race sensitivity in my life. There should be no reflection in the world on a man because he happens to belong to some particular race. We in the South strive to cultivate spirit in the colored race and enable him and his children to have something to live for.

Mr. President, let me show what segregation means. In the county in which I happen to live about 6,000 young men were called into the service under the Selective Draft Act. Nearly 30 percent of them were Negroes. Eventually the casualty lists were compiled and the officials of Cleveland County decided to erect a great board upon which would appear the name of every man who had been called into the service. In order to determine how they should be listed on the board, whether mixed altogether, or the whites and Negroes separated, it was decided to consult the Negro soldiers who are in service. A letter was written to each one of them asking for advice. As I have said, we were about to erect a board containing the name of every soldier in Cleveland County. The question arose as to how the names should be shown on the board, whether they should be placed on the board without regard to the color of each person whose name was shown, or whether they should be listed in two groups with regard to black and white. Every single one of the 25 Negro soldiers to whom the letter was directed said, "We would prefer to have our names written together so that we can show how many of us are shouldering a gun for our country in its defense and in its honor."

That is the spirit, Mr. President. Why talk about the subject of segregation? The Negroes prefer to attend their own churches and to worship together, and they prefer to have their children study together in their own school rooms. They want to have their own places where they can associate and work together. Mr. President, you never will see a finer and happier group of people than Negroes working together, having a good time, singing and rejoicing as they go about their daily tasks.

Negroes are not held down in North Carolina or anywhere else in the South. In North Carolina there are a number of Negro doctors and Negro lawyers. In North Carolina there is located the largest Negro insurance company in the world. The next largest Negro insurance company is located in Georgia. The insurance company there has a much greater amount of insurance in force than does the insurance company in North Carolina, but its assets are

not so great. Moreover, we have Negro banks in our State. We all work along together. This bill would do nothing more than to encourage agitation on the part of a few malcontents. We have some of them in North Carolina, but very few. They would be anxious to stir up the idea of discrimination, and talk about it.

Let us see what the Negroes do in connection with farm work. In our State Negro farm demonstrators go around and work with Negro farmers. They do a magnificent job. If there is not a sufficient number of Negroes in the county to warrant a Negro farm demonstration agent, of course, the white agent serves the Negro farmers. But, on the other hand, where there is a sufficient number of Negro farmers a Negro farm demonstration agent is provided. The demonstrator and the farmers meet on Saturday evenings, discuss their affairs, make plans, and the result is definite progress.

The cotton-oil mills, which are scattered all over my State and elsewhere in the South, employ almost exclusively Negro help. In the cotton-oil mills the Negro is given almost preferential employment. Negroes are not employed in the textile plants to any great extent, such factories employ almost entirely white employees.

Let us take the tobacco factories. We have a factory in which practically all the employees are Negroes, and another factory in which practically all the employees are white. So in that way we solve our problem in peace and in harmony. The only trouble we experience is when some agitator from the outside comes into the community to stir up race consciousness and race prejudice.

Mr. President, I am discussing the matter only to show the interest that the people of my State are taking in the question of race improvement.

While I happened to be Governor of my State five new buildings were constructed at one time at the North Carolina College for Negroes which is located at Durham. The president of that institution, Dr. James E. Sheppard, is one of the greatest Negroes in America. He made a speech which was echoed and approved by all the thousands of Negroes who were present for the dedication. He said:

I love to think of one fact. Notwithstanding all the help which has come to my race from people of other sections, the thing that warms my heart and the heart of my people is that here in North Carolina, my own State, the State will dip down into its treasury in order to provide money for the purpose of erecting buildings for this great institution and of giving to the Negroes of North Carolina the kind of opportunity that is being afforded to every white child in the State.

Mr. President, that is the proper spirit. Why disturb it by bringing forth a measure such as the one now before this Senate which will stir up strife, discord, and hate?

Furthermore, the Negro has a fine economic sense. One Negro in my county who previously had probably not made more than \$15 or \$20 a week, a very capable sort of man, went to a nearby camp and obtained a job as a mechanic for \$90 a week. A bond drive was being

made. This Negro went into a bank. The banker said, "John, you ought to buy some war bonds." The Negro replied, "No; I do not believe I want any." The banker said, "Why? You are making good wages. How much are you receiving?" The Negro replied, "I am making \$90 a week." The banker said, "Well, you ought to save your money." "Oh, yes," said the Negro, "I am saving it. I am putting it in the bank." The banker said, "Why don't you buy bonds? They are good." The Negro replied, "Oh, yes; they are good; but any government that pays a man like me \$90 a week will bust, and I don't want to buy any of its bonds." [Laughter.]

As I have said, the Negro has a fine economic sense. He understands the philosophy of living, and knows what will work and what will not work.

To hear some persons talk, one would think that in the South we were not giving the Negro an opportunity of any kind. I have been a lawyer during all of my productive life. I began practicing law when I was 21 years of age. I have from time to time represented Negroes both in civil and criminal cases. I have represented them many times when they had money and when they did not have money. There is not a member of the bar of my State, or a lawyer of whom I know anywhere in North Carolina, who would not defend a Negro if he needed being defended.

I wish to say for the jurors in North Carolina that I have never yet seen any case involving a Negro in court when he was not treated fairly if it was apparent a white man was trying to impose upon him. I have never seen any case in which someone, such as a landlord, for example, was trying to take advantage of a Negro, when the jury did not decide in favor of the Negro.

During my 4 years as Governor of my State 89 men were sentenced to be put to death in the gas chamber. A great many of those men were Negroes. I commuted to life imprisonment the sentences of 54 of them. I commuted the sentences of Negroes who had been charged with having committed the most revolting of crimes. Upon looking into their cases, whenever there was any suggestion that the defendant did not have full mental capacity or did not have every possible opportunity to present before the jury everything that was in his favor, I unhesitatingly commuted his sentence to life imprisonment.

Senators, when race relations are moving along in the direction of improvement for the races throughout the whole country, why should those relationships be interrupted by the kind of measure which has been injected into the business of the Senate?

I wish to suggest that there are three different groups who are supporting the bill we are considering, and I desire to discuss some of them.

First, I would say there are a large number of good people who sincerely deplore discriminations, and who believe that the bill would aid in removing them. That is the first class who are supporting the bill.

The second class—and it includes quite a number—support it on the basis of political expediency.

The third class are the professional uplifters and downsitters, who wish to regulate all business and to regulate citizens. Various other groups thrive on stirring up strife and fomenting discontent. Then add to these every Socialist in America and every Communist in America, and we have the crowd who are supporting the bill.

Of course, those men are the ones we cannot hope to do much about. The last I have mentioned might be termed the "hell raisers" in this country, and they would not want anything that made for amity and peace and good order.

Of the great first class, the people who are sincere, I should like to discuss with them the bill and some of its provisions, and what I think are some of its defects.

Before I do that, I think it might not be amiss for me to say that the view which I have presented about this matter so far as segregation is concerned is not my view alone, it is not the southern view alone, but I shall cite the views of Dr. Lyman Abbott, one of the great theologians of all time, who certainly was steeped in the traditions of Harvard and New England, who grew up in the atmosphere of abolition, and who could not be said to be especially favorable to the South or its policies or principles.

A lady of the North who was conducting a private school wrote Dr. Abbott a letter and asked him this question:

A Negro wants to be admitted to my school. Some of my students object. What would you advise?

What did Dr. Lyman Abbott say to that? Let me read what he said in answering the letter of this lady. After telling this New England lady that no Negro had the right to invite into his home a white guest if that guest happened to be objectionable to the family; that no white man had the right to invite a Negro under similar circumstances; that no Protestant should ask a Roman Catholic into the Protestant's household if the visitor's presence caused strife, and so on throughout the list, the Doctor said:

The first duty of the parent is to safeguard the peace and harmony of his home; and he has no right to disturb that peace and destroy that harmony by an act which provokes into activity a prejudice which is dormant.

He said again:

This is not the way to promote the spirit of human brotherhood. It is not recorded that the Good Samaritan took the wounded traveler into his own home. He took him to an inn.

Then Dr. Abbott continued:

A parent has no right to sacrifice the welfare of the home for the quixotic attempt to provide a home for the homeless. Similarly, a teacher has no right to sacrifice his school and its pupils in a quixotic attempt to vanquish race prejudice or religious prejudice by treating it as though it did not exist. To open the door of admission to one pupil is neither wise nor right, if it means opening the door of exit to the pupils who are already there.

For this reason the Southern States are wise in providing separate schools for the

white and colored pupils. The attempt to compel them to attend the same school would in most cases be a failure, and would end in leaving the white children to grow up in ignorance. And where it succeeded it could only end in intensifying the race prejudice where it already exists and creating it where it does not exist. * * * The way to conquer prejudice is not by giving it battle, but by giving time and opportunity for moral development. Mutual understanding is not improved by enforced companionship. Pacification, not exasperation, is the remedy for race and religious prejudice. And the more unreasonable the prejudice, the greater the need of time and patience to overcome it.

I admonish the Senate to hear the words of this great departed theologian and leader of thought in this Nation, Dr. Lyman Abbott, as he speaks to us today as to the proper method of dealing with so precarious a situation as would be projected if this bill should become law.

To show that this feeling is not confined to the South, and that the idea of separate schools would be better for other sections of our country, I read from a newspaper clipping from Gary, Ind. This relates to something which occurred last September.

About 500 white students of Froebel High School voted at a mass meeting today to stay away from classes until the school ceased to be a biracial institution.

A short time later, the city board of education instructed R. A. Nuzum, school principal, to take legal steps to get the pupils back to school.

The white students demand transfer of some 800 Negro students from the school.

In Chicago on the following day this occurred:

About 200 white students of the Englewood High School left their classes today in what the school principal said he believed was a movement which spread from two Gary, Ind., high schools where white students are protesting increased Negro enrollment.

Those things happened in Indiana and in Illinois.

Now let us come down to a discussion of some of the matters involved in the bill. I wish to mention, incidentally, 12 things the bill does, and I think each of them is worthy of consideration:

First. It denies to any person who employs as many as six people the right to select his own employees.

Second. It prevents him from discharging an employee if he is not satisfactory.

Third. It sets up a Commission of five in Washington to have charge of the employers of the Nation, individuals and corporations.

Fourth. It provides this Commission with an army of investigators to send over the Nation to work up charges against employers upon any complaints.

Fifth. It gives these investigators the right to enter a person's place of business and examine his books and papers without process from any court, in an effort to get evidence upon which to bring charges against him.

Sixth. It forces a man to give evidence against himself depriving him of his constitutional rights.

Seventh. It provides for an examiner to hear evidence and send the record off to Washington where a decision can be rendered against him in absentia.

Eighth. It denies him any right of appeal from findings of fact against him.

Ninth. It denies him a trial of his case by a jury or before a judge of any court.

Tenth. The Commission can order the employer to hire anybody that it names and make him pay back wages for refusing to hire them in the first place, and it can assess fines and penalties against the employer and have him placed in jail if he refuses to obey the orders.

Eleventh. It can have the employer brought into the United States circuit court, hundreds of miles from his home or place of business, to have its orders put into effect, and when he gets there, under this bill, the court cannot overrule the Commission's findings if there is any evidence to support them, however flimsy the court may find the evidence to be.

Twelfth. It provides a fine of \$5,000 and 1 year in prison for any person who hinders or interferes with the Commission or any of its agencies in any of its works.

The bill comes here under a misnomer. It is called a fair-employment practice act. There is no fairness in it, and there is no employment in it. No proponent of the bill can show how the bill or any of its provisions would tend to give employment to a single citizen of this country. There is no provision of the bill which would tend to establish good relationship between laborers, workers and employers. There is no provision in this measure anywhere which would enable us to solve any of the problems of labor or of management. There is nothing in the bill anywhere which would contribute to the well-being and the good order of society.

Mr. President, I take this broad position as an American citizen: I would vote against any bill which would require any man or woman of any race, color, or creed to work for another against his will. By the same token I am unwilling to place the shackles of slavery and the bonds of serfdom upon any man or woman because he or she happens to employ six people, and say that he shall hire to work for him some man whom he does not wish to have in his employ.

What is there in our life that would justify having a commission of men such as is proposed to enter into the operation and control of our own affairs? Do we want an extension of bureaucracy in this country? Do we want to pursue the policy of having the Government take charge of everybody and of everything? Can the American citizen not be depended upon to follow the course he has long pursued, of attending to his own business, of regulating his own affairs, and of doing as he pleases so long as he remains within the provisions of the law, and does not trespass or invade the rights of others? We should get back to Americanism, we should get away from the stirring up of race strife, we should get away from the idea of stirring up labor trouble, we should nourish the idea that, after all, when a man establishes a business and tries to make a living for himself and give employment to people, the Government should keep its hands off.

I long for the hour when America will return to some of these fundamental ideas of government and of right, and of

the privilege and immunities which the citizen was permitted to enjoy during the long period when this Nation was making such strides along the lines of material development, civic growth, religious advancement, and national progress.

Mr. CHAVEZ. Mr. President, will the Senator from North Carolina yield?

Mr. HOEY. I yield for a question.

Mr. CHAVEZ. I wish to make a very brief statement. I have enjoyed the remarks of the Senator from North Carolina, and I wish to congratulate him and compliment him on the fair way in which he has presented his views with reference both to the philosophy and the implications of the law we have in mind.

Mr. HOEY. I thank the Senator from New Mexico very much. I want to say to him that I include him in the group of good people I was talking about in connection with this bill. I think the Senator's motives are high; I think they are worthy; and I believe he is pursuing the course which he thinks would be for the best interests of the country. I appreciate his words. But my own view is deep-seated, and I speak from the experience and observation of a lifetime; and I believe there is no measure which has been presented to this Congress which contains so much dynamite, and so much danger, and which would cause so much strife and chaos and disorder in this country, if it were adopted, as this measure would cause.

Mr. President, I shall not take the time of the Senate to review all the provisions of the bill. Some persons talk now as if they think there are no guarantees against discrimination on the statute books, and that this bill ought to be passed in order to give some people a chance to have their rights preserved, and to see that they are properly asserted. We already have laws preventing discrimination. We already have statutes which fully cover this matter. If the object is merely to protect people in their rights, we have the law already, and we have more than one statute covering the subject. Let me read to the Senate section 41 of title 8 of the United States Code Annotated. It contains this provision:

SEC. 41. Equal rights under the law: All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

There is one other section which goes even further into the matter of preventing discrimination. Section 43, title 8, United States Code Annotated, uses this language:

Civil action for deprivation of rights: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

That is now the law. If anyone is discriminated against, if any injustice is being done, and if as a consequence there is involved a violation of the law, here is a statute which gives the individual his full civil remedy.

Then in addition to that the statute provides as follows:

Whoever, under color of any law, statute, ordinance, regulation, or custom, wilfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District, to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000, or imprisoned not more than 1 year, or both.

These laws preserve the individual's civil rights. They preserve likewise his right not to be prosecuted unjustly for crimes, and all of the rights which would accrue to him under the criminal law.

Another point I desire to discuss briefly in relation to these matters is the idea which seems to spread over the country sometimes that Congress must do something about questions which are vitally problems of the South. Mr. President, it is rather amazing to me that people from other sections of the country seem to believe it to be their duty to introduce measures directed against specific things that occur in the South. For a great number of years there has been pending a so-called antilynching bill. It has been sought to pass such a bill at practically every session of Congress, and that, notwithstanding the fact that every State of the Union has a law against lynching, and notwithstanding the further fact that the law against lynching is better enforced than any other criminal statute on the books.

This Nation contains 140,000,000 people. There was only one violation of the law against lynching in the entire United States last year. There were hundreds and thousands of murders. There were all sorts of other violations of the criminal statutes, but just one violation of the statute against lynching in the United States.

I might say for my State of North Carolina that there has not been a lynching in that State for 25 years. On July 8, 1920, occurred the last lynching in North Carolina. What would have been the necessity of passing a law to outlaw lynching when lynching already had been abolished and eliminated, and when the moral thought of the Southern States had manifested itself in the legislation of those States and in the complete and full enforcement of that legislation?

Another movement proverbially directed against the South is the anti-poll-tax fight. I shall not discuss that except to show the tendency of always and everlastingly bringing up something to regulate the South. The South does not proceed on that basis with reference to the remainder of the country. We from the South are not introducing bills in Congress to try to regulate the North, the West, or New England. We are willing that the people of those sections should settle their own problems, and that in the way they think best.

Now let me say a word with reference to the anti-poll-tax measure. Some persons become all "het up" about it, saying that the poll tax is a denial of the rights of people. My State is not a poll-tax State. We repealed more than 20 years ago the provisions for the payment of poll tax as a requirement for voting, and therefore the anti-poll-tax agitation does not apply to my State. But I want to say that it is an inconsequential thing, and involves a matter which, of course, the States themselves are entitled to settle under the law and the Constitution.

Another thing, Mr. President, that I want to say in that respect is this: We often hear the statement made that in the election of Senators from the South there is a large constituency who are denied the right to participate in government. That is not true as stated. In addition to that it is said that it is due to the fact that we have the poll-tax provision. That is not true. As a basis for their statement persons undertake to cite the small number of votes cast in the general election in those States. Everyone understands why that is. In a State where there is only one party naturally there is no opposition. Only a few people vote in the general election. The controversies are settled in the primaries, and therefore the issue is determined then, and naturally in the general election only a small vote is cast.

Mr. RUSSELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. HOEY. I yield for a question.

Mr. RUSSELL. I wish to ask the Senator from North Carolina if he does not think it would be wise to elaborate a little on that statement, and go further and explain to the Senate that the State which he represents so ably in the Senate has not had any poll-tax law for a number of years; that the State of Louisiana has had no poll tax for a number of years; that the State of Georgia has no poll tax at the present time. Yet in the general elections there is no greater vote polled in the States where there is no poll tax than there is in the States where there remains some form of poll tax. So the size of the vote can be attributed to what the Senator from North Carolina has just mentioned, which is that the issues are settled in the primaries, and there is no issue to be settled in the general election.

Mr. HOEY. Yes, Mr. President, that is true.

In North Carolina there is a very large and respectable Republican Party. The Republican Party in North Carolina casts about 230,000 votes in a normal election, and therefore in our State we have a larger vote in the general election by virtue of the existence there of that many Republican voters. But in the State of Georgia, in the State of Mississippi, in the State of South Carolina the Republican vote is negligible, and so when the question is settled in the primary the contest is all over, and there is no reason for a great number of voters to participate in the general election.

Mr. President, I stated a moment ago that it is not the purpose of the South to try to regulate other sections of the country. We can very well say to New York and Pennsylvania, "You do not give the people in your States the right to participate in the nomination of candidates for governor." In other States the voters cast their vote in the primaries and decide whom they want to vote for, and in the general election they vote for the candidate they chose in the primary. In the States I have mentioned there are no primaries and the people have no chance to participate in choosing the candidate. Meetings are held and at the meeting decision is made with respect to who is to be nominated. The average citizen has no right to say whom he wants nominated. In New York meetings are held the night before, at which someone is nominated, and the announcement is made the next day. In Pennsylvania the same situation exists. The public does not know anything about who is to be the candidate. They have not heard who he is to be, and the public does not have any say in making the selection.

Mr. President, in that situation, in which State is the public given the better representation, the better chance to decide who shall be a candidate? In a State where a small group gets together and decides who the candidate shall be, or in a State where the people take part in a primary, as is done throughout the South, and can vote for the candidate of their own choice?

I do not object to what is done in New York or in Pennsylvania or in any other State; I think that is their business; but I am everlastingly tired of those who are continually trying to dictate to the South as to what the South shall do. It seems to me they should be sufficiently occupied in looking after their own affairs, in cleaning their own doorsteps, rather than looking around in our backyards to see if they can find something that displeases them there.

I mention that, not because of the poll tax, but continuously, from the time when the force bill was undertaken to be passed, but was defeated by a filibuster, down to the time when an attempt was made to reduce southern representation because the handling of affairs there did not suit some people, from that time to this there has been hatched one measure after another trying to dictate the course of conduct of affairs in my section of the country. As a southerner, I think we are good Americans. I believe in everything that is embodied in our great Constitution. I would to God that we might take the Constitution to heart in dealing with this measure, and in all our legislation. I should like to see it made the mainstay to guide and direct us in framing legislation for all the people of this land.

I should like also to remind the Senate that the Constitution is violated in at least a dozen different ways by this bill. In my sense of justice I cannot appreciate how a man who is a lawyer or who believes in the rights of the individual could have obtained the consent of his own mind to vote for a measure that takes away from the individual the right of a trial of his case in court, and which

denies to him the opportunity of having a fair hearing upon the facts and the law. That seems to me to be the very foundation of our whole society. If we strike down the right of an individual, and if a man comes to know that he cannot rely upon having his case heard in court, then what good is the Constitution? What good is the Bill of Rights? Why should we not just as well have Hitler's gestapo come here to take charge, if an army of snoopers and investigators can go out from a Fair Employment Practice Commission in Washington and invade, wherever they will, the rights of the people, taking away from them their own secret business records, and examining them for the purpose of obtaining evidence against them, and trying to convict them, without the order of any court, without any previous authority, but solely upon their own initiative under the proposed act, which would give them the right to enter into a man's place of business and make him exhibit everything he has, to convict him if they can, bring charges against him if they may, and subject him to penalties if it is in their judgment to do so. That is what the bill provides. It is so iniquitous in its provisions that it is abhorrent to the man who believes in fairness.

I would not subject the lowliest Negro in the land or the lowliest foreigner in the land to the iniquity and injustice of this bill. I do not believe that a man, because he employs six persons, ought to be accounted a criminal. I do not believe that any man who conducts his own business ought to be carried hundreds of miles away from his home to have his cause heard in court. I do not believe that any man who undertakes to transact his business affairs ought to have snipers butting into his business and interrupting the process of his daily occupation. I believe that this measure is the most flagrant violation of the rights of men under the Constitution that I have ever seen presented to any legislative body.

Mr. President, I do not feel that I should trespass further on the time of the Senate. I wish to say, however, that there are some things which are fundamental, and which cannot be brushed away. Frequently we hear men who pride themselves upon being great liberals. I have a great admiration for a man who is a liberal, if that means that he is tolerant, and if it means that he has a proper conception of his obligations as a citizen, and has respect for those who differ with him. But as for the professional liberal—and I have seen many of them—I characterize him as the most intolerant man I know, because he always attributes ulterior motives to those who differ with him and he takes the position that they are actuated by sinister purposes if they have ideas different from his.

The other day I noticed a definition of a professional liberal which I think is very good. A professional liberal was defined as a man who was doing what he thought the Lord Almighty would do if the Lord had the facts as he had them. It seems to me that that definition includes those who undertake to prescribe for everyone else, in the belief that they

themselves are infallible, and that anyone who differs with them is actuated by some ulterior purpose or improper motive.

Mr. President, in my very feeble way I have said about this measure what I think represents the thought of the average American citizen. I believe that the average citizen of North Carolina, whether white, colored, or Indian, if he knew just what this bill provides, would feel as I feel about it. I believe that he would know, as I know, that it does not represent, and cannot represent, peace, amity, concord, and justice.

A short time before the close of the war I read a very splendid poem by a great Englishman. It consists of only two or three stanzas. It epitomizes the thought of that great stricken nation just before the sun came up and before the war ended. The poet was writing about conditions at that time, and expressed his sentiment in the following language:

You that have faith to look with fearless eyes
Beyond the tragedy of a world at strife,
And trust that out of night and death shall rise

The dawn of ampler life.

Rejoice, whatever anguish rend your heart,
That God has given you, for a priceless dower,

To live in these great times and have your part
In freedom's crowning hour.

That you may tell your sons who see the light
High in the heavens, their heritage to take:

"I saw the powers of darkness put to flight!
I saw the morning break!"

—Sir Owen Seaman.

Mr. President, countless millions of Americans served in this war, and many of them gave their all. I covet for those who return the privilege of coming back to America and finding the sort of America which they left—not one which has adopted the methods of our enemies; not one which has surrendered to a commission the rights and liberties of our citizens. Today I plead for the maintenance of our heritage of liberty and freedom, for us and for all the people of this land, that we may look forward to the dawning of that light which shall give a fuller, larger opportunity for all the men, all the women, and all the children of all the races, all the colors, and all the creeds in this land. Let us not crucify America upon a cross of bureaucracy.

THE BATTLE OF RAPIDO RIVER, ITALY

Mr. MAYBANK obtained the floor.

Mr. O'DANIEL. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield for a question.

Mr. O'DANIEL. I wish to send to the desk a resolution, and ask that it be appropriately referred. I ask unanimous consent to submit it.

Mr. CHAVEZ. I object.

Mr. LA FOLLETTE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. O'DANIEL. Mr. President, will the Senator yield for a question?

Mr. MAYBANK. I yield for a question.

Mr. O'DANIEL. The Senator from North Carolina [Mr. HOBY] has just finished speaking about the returning soldiers who fought and saved this Nation by winning the war. He thinks they should be shown every consideration by the Government of this Nation. I heartily agree with him. A little remnant of those soldiers, the survivors of the Thirty-sixth Division, which suffered 2,900 casualties in the Battle of Rapido River, held a convention at Brownwood, Tex., last Saturday, and adopted a resolution which I should like to read.

Mr. MAYBANK. Mr. President, I have no objection to yielding for a question—

Mr. O'DANIEL. I wish to ask the Senator a question, and this is a part of the question.

The following resolution was adopted by the Thirty-sixth Division Association in session Saturday, January 19, 1946, at Brownwood, Tex.:

This is the eve of the second anniversary of the crossing of the Rapido River, a military undertaking that will go down in history as one of the colossal blunders of the Second World War.

The One Hundred and Forty-first and One Hundred and Forty-third Infantry regimental combat teams caught the brunt of this holocaust. Every man connected with this undertaking knew it was doomed to failure because it was an impossible situation. The Rapido River was the main line of resistance. The German elements opposing the division had every foot of ground covered with fire. The high ground was all held by Germans, and observation was perfect for them in directing the artillery fire. Patrols had reported that these enemy positions were strongly held, that the area was heavily mined on both sides of the river and the German positions were wired and strongly fortified, and that the crossing was not tenable.

Notwithstanding this information (which was in the possession of the Fifth Army commander), contrary to the repeated recommendations of the subordinate commanders, Gen. Mark W. Clark ordered the crossings of the Rapido at several points.

The results of this blunder are well known. The crossings were made under the most adverse conditions and required 2 nights to get elements of the two combat teams across. At daylight the Germans shot the bridges out behind the Thirty-sixth Division troops and began a methodical destruction of our troops. The division suffered heavy casualties, amounting to 2,900 men.

It was such a colossal failure that one of the regimental commanders commented as follows: "The river was strongly defended by a German force superior in numbers to our attacking force. The first attack was made at night and was not successful. On the night before, the British attack to the south had failed. The last attack by my regiment was made in daylight and was more decisively unsuccessful than the first. Losses from attacks of this sort are tremendous in manpower and matériel, and have a devastating, demoralizing effect upon those few troops who survive them. Officers and men lost in the Rapido River crossing cannot be replaced and the combat efficiency of a regiment is destroyed."

Now, therefore, be it

Resolved, That the men of the Thirty-sixth Division Association in convention assembled at Brownwood, Tex., petition the Congress of the United States to investigate the Rapido River fiasco and take the necessary steps to correct a military system that will permit an inefficient and inexperienced officer, such as Gen. Mark W. Clark, in a high

command to destroy the young manhood of this country and to prevent future soldiers being sacrificed wastefully and uselessly.

That concludes the resolution which was adopted by the Thirty-sixth Division Association. The resolution which I had hoped to submit at this time, but which I was prevented from submitting, reads as follows:

Resolved, That the Senate Committee on Military Affairs, or any duly authorized subcommittee thereof, is authorized and directed to conduct a full and complete investigation with respect to the handling of the troops of the Thirty-sixth Division in connection with the battle of Rapido River, Italy, to determine the cause of the heavy casualties suffered by such division, and whether the action was brought about through military necessity or on account of pressure from a foreign government or governments. The committee shall report to the Senate at the earliest practicable date the results of its investigation, together with such recommendations as it may deem desirable.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-ninth Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee under this resolution, which shall not exceed \$25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Under the existing conditions, Mr. President, I ask the Senator from South Carolina whether he does not believe that it is the right and duty of the Senator from Texas at this time to use his best efforts in an attempt to submit the resolution to the Senate, as has been requested by those brave men who fought, and many of whose comrades died, to help save this Nation?

Mr. MAYBANK. Mr. President, I should like to see the resolution submitted; but at this time I do not wish to take the responsibility of saying whether or not it is a good resolution. I do not mean to be a judge of the resolution. As the Senator knows, I am a member of the Committee on Military Affairs, and, of course, I desire to have an open mind on the resolution.

Mr. O'DANIEL. I thank the Senator. I intend to submit the resolution as soon as I am permitted to.

INCORPORATION AND REGISTRATION OF LABOR ORGANIZATIONS

Mr. MAYBANK. Mr. President—

Mr. BYRD. Mr. President, will the Senator from South Carolina yield for a unanimous consent request?

Mr. MAYBANK. I yield for a question.

Mr. BYRD. I ask unanimous consent to introduce for appropriate reference a joint resolution to provide for the incorporation and registration of labor organizations and to impose certain responsibilities upon such organizations,

and for other purposes, and also to have it printed in the body of the RECORD, together with a statement in explanation thereof.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Is there objection to the request of the Senator from Virginia? The Chair hears none.

The joint resolution (S. J. Res. 133) to provide for the incorporation and registration of labor organizations and to impose certain responsibilities upon such organizations, and for other purposes, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Joint resolution to provide for the incorporation and registration of labor organizations and to impose certain responsibilities upon such organizations, and for other purposes

Whereas the Congress has by law provided certain rights and privileges for employees and labor organizations; and

Whereas such rights and privileges should not be permitted to be exercised in a manner that interferes with the free flow of interstate and foreign commerce or is destructive of the rights and property of others; and

Whereas each such labor organization should be held to be responsible for breach of its contracts and for its unlawful acts to the same extent as corporations and all business agencies and individuals: Therefore be it Resolved, etc.,

REGISTRATION

SECTION 1. (a) Within 6 months after the date of enactment of this joint resolution and annually thereafter every labor organization having as members one or more employees of persons engaged in commerce shall register its identity with the Securities and Exchange Commission and shall state under oath the following information and such other information as the Commission may by regulations require: The name of the labor organization; the address at which it has its principal office; the names and titles of the officers and their annual compensation; the company or companies with which the labor organization deals, if a local organization; the industry or industries in which the labor organization operates, if a national organization; initiation fees; annual dues charged to each member; assessments levied during the past 12 months' period; limitations on membership; number of paid-up members; date of the last election of officers; the method of election; the vote for and against each candidate for office; and the date of the last detailed financial statement furnished all members and the method of publication or circulation of such statement. With such information shall be filed under oath, in accordance with such rules and regulations as the Commission may prescribe, detailed and intelligible financial statements and a copy of the articles of incorporation and bylaws of the labor organization.

(b) Every labor organization incorporated after the date of enactment of this joint resolution having as members one or more employees of persons engaged in commerce shall, when incorporated and annually thereafter, register with the Commission and furnish the information required of existing labor organizations under the provisions of this section.

INCORPORATION

SEC. 2. Every labor organization having as members one or more employees of persons engaged in commerce shall, prior to its initial registration with the Securities and Exchange Commission as provided in this joint resolution, take out articles of incorporation under

the laws of the District of Columbia, except that, if permitted by the laws of the State in which a labor organization has its principal place of business, such articles of incorporation may be taken out under the laws of such State. Each such labor organization when incorporated shall have the capacity to act possessed by a natural person, shall be liable for the acts of its officers, members, or agents, to the same extent and in the same manner as ordinary business corporations, and shall have the power—

(a) to continue as a corporation for the time specified in its articles;

(b) to have a corporate seal and the power to alter it;

(c) to sue and be sued in its corporate name;

(d) to make bylaws for the government and regulation of its affairs;

(e) to acquire, own, hold, sell, lease, pledge, mortgage, or otherwise dispose of any property incident to its purposes and activities;

(f) to conduct its affairs within or without the District of Columbia;

(g) to exercise any power granted to ordinary business corporations consistent with its purposes and activities;

(h) to exercise all powers not inconsistent with this joint resolution which may be necessary, convenient, or expedient for the accomplishment of its lawful purposes and, to that end, the foregoing enumeration of powers shall not be deemed exclusive.

PENALTIES

SEC. 3. (a) No labor organization having as members one or more employees of persons engaged in commerce and no member thereof shall be entitled to any rights, privileges, or benefits under the National Labor Relations Act unless and until such organization complies with the provisions of this joint resolution.

(b) In the event any such labor organization is held by the final decision of a court of competent jurisdiction to have breached its employment contract with any employer or to have unlawfully damaged or destroyed the property of any employer, such organization shall not be recognized as a labor organization, or a representative of employees, under the National Labor Relations Act insofar as any matter relating to employees of such employer is concerned.

DEFINITIONS

SEC. 4. When used in this joint resolution the terms "persons," "employer," "employee," "representative," "labor organization," and "commerce" shall have the same meaning as is given to those terms by section 2 of the National Labor Relations Act. In addition, the term "labor organization" shall include national and international organizations having as members labor organizations as defined in said section 2.

The explanatory statement presented by Mr. BYRD, is as follows:

STATEMENT IN EXPLANATION OF THE JOINT RESOLUTION (S. J. RES. 133) TO PROVIDE FOR INCORPORATION AND REGISTRATION OF LABOR ORGANIZATIONS

There can be no hope for prosperity and industrial peace for America until the equality of rights of all citizens, corporations, and organizations is written into law on a basis of justice to all.

I want to emphasize that many labor unions are faithful to their contracts and obligations, but some of outstanding importance have violated contractual obligations, for which such unions should be held to the same accountability as would be done in the case of an industrial corporation. Strikes in basic industries which supply vital materials can shut down thousands of others. Unless contracts between labor and industry are observed and have the same

legal status as other contracts, we can only look forward to a long period of industrial strife and business chaos.

A manufacturer who makes a contract with a labor union must have confidence in the performance of that agreement in order to plan his operations. Yet the union may breach its contract and management has no redress in law, although the union is free to resort to all legal processes as well as illegal pressures to enforce the same contract.

With a debt approaching \$300,000,000,000 we can only service this debt and perform our essential function of government by means of a high national income. This will be most difficult under the most favorable conditions, and it is possible only by an uninterrupted industrial production.

In the years gone by industrial corporations undoubtedly abused their power. The result was that the Congress created the Securities and Exchange Commission for the purpose of protecting the welfare of the public. This act has served well and has eliminated most of the abuses that theretofore existed in corporate management. Now the shoe is on the other foot. The labor unions have great power—virtually the power of life and death over the economic progress of America. Hand in hand with power goes an equivalent responsibility. For years we have seen repeated instances of broken union contracts—of sympathy strikes to encourage and support strikers working for some other corporation, the sympathy strikers having no grievance against their own employer. We have seen, time and again, jurisdictional strikes—strikes arising from disputes between two unions when the employer is in no manner involved, yet must suffer the consequences and losses resulting from shutting down his plant. This lack of union responsibility has reached an intolerable stage.

I am strongly for collective bargaining, but bargaining must mean what it says—namely, that a bargain made is equally binding on both parties to the agreement. I believe in the inherent right of labor to organize. Labor unions have a proper place in the economic life of America. Unions are here to stay, but, if we are to have orderly business conditions, labor unions as such must have the same legal responsibility to perform their contracts as the owners of industry. If one can be sued for violation of a contract, the other should be in the same status. When two parties make a contract, if that contract is to mean anything, there must be a mutuality of responsibility. This does not now exist between labor and industry. Why should a labor union as such be exempt from liability for the damages resulting from broken contracts when all citizens and business corporations can be sued when a contract is violated? We may as well try to build a house without a foundation as to enact legislation to prevent industrial and labor strife without first providing for mutual responsibility.

I realize the problem is difficult, but the time is overdue to make a start. What is done must be done with full justice to the members of the unions. All of their legitimate rights must be preserved. The plan I now propose will ask no more of unions than existing laws require of industrial corporations. The Securities and Exchange Commission was established to see that neither the public nor the corporation stockholders were defrauded by industrial management. One of the powers of the Commission is to require of all corporations full reports and information as to their operations.

As a first step to union responsibility, and this responsibility I believe to be essential before any real progress can be made to end industrial strife, I am offering legislation to provide:

1. That within a reasonable time, and annually thereafter, all unions shall register with the Securities and Exchange Commission; that each union shall annually report to the Commission, among other information: Initiation fees; annual dues charged to each member; assessments levied during the past 12-month period; limitation on membership; number of paid-up members; salaries of the officers; date of the last election of officers; the method of election; the vote for and against each candidate for office; reserves in the treasury; the date of the last detailed financial statement furnished to all members, and the method of publication or circulation of such statement.

2. That every labor organization having as members one or more employees or persons engaged in commerce shall take out articles of incorporation under the laws of the District of Columbia, or any State authorizing such incorporation.

3. That labor unions can be sued for civil damages, either for the breach of its employment contract or for the unlawful damage or destruction of property.

4. That no labor organization shall be entitled to any rights, privileges, or benefits under the National Labor Relations Act unless and until such organization complies with the provisions of this law.

Labor unions today have great financial resources. At the direction of Congress, the Joint Committee on Internal Revenue Taxation has made a preliminary report stating that of approximately one-half of the labor unions reporting, those unions had an income for the year 1944 of \$389,700,000. Included in the annual expenses of these unions were wages, salaries, and commissions of \$50,000,000; compensation of officers \$38,000,000; other operating expenses \$88,000,000, with a total expenditure for the year 1944 of \$323,000,000, leaving \$66,000,000 to be added to the already very large financial reserves.

Why shouldn't union members know what salaries their officers receive? Why shouldn't the union members and the general public know how much was expended for political purposes? A business corporation is prohibited by law from making a political contribution. An individual making a political contribution over a certain amount must pay a gift tax and report the same to the Government.

Labor unions in America have "grown up." They are now "big business" in their power and financial assets. They must assume their proper responsibility for their acts affecting the economic welfare of America. This legislation will do no more than place upon unions a legal responsibility commensurate with their power. As I have said, many have large financial resources adequate to pay damages for violation of contracts (I am informed that 12 unions have financial reserves of \$160,762,000). At least the employer, under this plan, will know in advance the financial responsibility of the union with which he deals.

I will press for this legislation as strongly as I can. It is democratic and just. I am convinced its enactment will be a substantial deterrent to strikes. It is the first and vital step towards the recognition that labor unions have tremendous power for good or bad in our economic life and, as such, should have a responsibility under the law as has been imposed on other powerful groups. I do not offer this as a panacea to solve all labor difficulties, but, in the long range objective for industrial peace, I think we must put first things first and give to labor unions a legal status and responsibility.

This is the foundation. Until this responsibility to organized government is established there can be no lasting industrial peace upon which our future prosperity so vitally depends.

JOURNAL OF THURSDAY, JANUARY 17,
1946

The Senate resumed the consideration of the motion of Mr. HOBY to amend the Journal of the proceedings of Thursday, January 17, 1946.

Mr. MAYBANK. Mr. President, I desire to discuss what I understand can happen when a Government board or bureau protected by the Federal Government is practically placed in charge of law enforcement, because, to a certain extent, I consider the Fair Employment Practice Commission bill to be along that line. But before doing so, Mr. President, I wish to state that it is my intention to discuss the bill upon its merits and to discuss the situation in South Carolina as I see it.

The people of my State well know that I have never been and never will be prejudiced against any religion, creed, or color. Mr. President, my home is in Charleston, S. C., one of the oldest cities and one of the first-founded cities in these United States. There, in the seventeenth century, immigrants came from all sections of the world. There we have representatives of all races, of all creeds, of all religions. There we have, Mr. President, as you so well know, the descendants of pioneers who came from every land. It has always been a privilege and a pleasure to me to have been able to be associated with so many persons of so many different creeds. We are proud to have in Charleston the first Jewish synagogue in America. Not long ago I had the pleasure of attending its anniversary celebration. We hold dear to our hearts the record of many of the Catholic faith there, not only in the development of our city and State, but in the efforts they have made in the Indian wars, the Revolutionary War, the War of 1812, the Mexican War, the War Between the States, and the First and Second World Wars. Mr. President, no one born in my section of the country and living there all his life could be prejudiced. One sees too much of the good which exists in so many persons who in other lands and nations are persecuted.

So I wish it clearly understood, Mr. President, that in rising to make these remarks I approach the question from that point of view. Let me say that when I casually, and correctly, refer to the Reconstruction period in South Carolina—and my remarks relative to it will not be long at this time, for I shall wait until later in the debate to discuss it—that period of turmoil and strife which was created by carpetbaggers and scalawags from the North, and, Mr. President, by some of our own turncoats who went out for their own personal aggrandizement—I always remember that it was the good Negro citizens of South Carolina, the ancestors of those who are there today, who joined with Wade Hampton to overthrow the scalawags, the carpetbaggers, and the other undesirable people of that group.

Well does the present Presiding Officer know, as a former Governor of South Carolina—as I also have the honor of having been—that among the races in

South Carolina there is no confusion and there is no trouble, but great progress has been made in every line, including the education of the Negro, and the improvement of the conditions affecting his health, welfare, and housing. It was during his term as Governor of the State, and again during my own, that the salaries of Negro teachers were raised, the Negro schools were improved, the Negro college was enlarged, and every type of modern equipment provided to train skilled labor so that Negroes could work. Housing developments were built in all the cities. Their health department, through Federal aid, was almost able to wipe out typhoid fever, and was able to curb malarial fever and many of the other dreaded diseases which affect both blacks and whites.

Mr. President, I may say that I think the greatest progress ever made in any State since 1932 has been made in South Carolina. It is among the leading States in rural electrification. The majority of our Negroes are farmers. A large number of the rural electrification lines now go to the Negroes' homes.

So, Mr. President, from one end of our State to the other, progress has been made, and it has been made by mutual understanding; it has been made by means of an understanding which has continued and has been passed down from generation to generation, and it is one which is perfectly acceptable, and we shall continue this progress.

Mr. President, well do most of us remember, from history and from the experience of our parents, what happened under the circumstances existing during the days of Reconstruction, when the carpetbaggers and the scalawags, protected by Federal law, disrupted our civilization and economy by inciting the colored people and by controlling our Government through a minority of self-appointed white northerners and southern white turncoats.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield for a question.

Mr. EASTLAND. I wish to ask a question. Does not the Senator think that the CIO, through its present leadership and policies, is a carpetbag organization which has come into the South and is attempting to destroy southern institutions and southern civilization?

Mr. MAYBANK. Mr. President, in answer to the Senator's question I would say that some of the members of the CIO have caused trouble and confusion in my State. As to whether the CIO ordered that trouble, I cannot answer; but there have been members of that organization who have caused trouble.

Mr. EASTLAND. Mr. President, will the Senator yield for a further question?

Mr. MAYBANK. I yield for a question.

Mr. EASTLAND. Of course, I know there are thousands of good men in the CIO; but does not the Senator think that the policies of its present leaders, as evidenced, for instance, by the bill which the Senator is now opposing, are aimed at southern institutions, and that

the organization is a carpetbag organization because of the policies of its leaders?

Mr. MAYBANK. With the statement the Senator from Mississippi has made I agree—namely, that there are certain troublemakers in the CIO who have stirred up this trouble, and who stir up trouble in Washington and confusion throughout the Nation, with the hope that, in turn, confusion will be stirred up at home, and we will suffer. I think the leaders of the CIO mainly are against the things for which the southern people stand. That was well evidenced at the Chicago convention.

Mr. EASTLAND. Does not the Senator think that today those leaders are going into the South and are attempting to destroy its institutions?

Mr. MAYBANK. I think that some persons in their organization are attempting to do that.

Mr. EASTLAND. Mr. President, will the Senator yield for a further question?

Mr. MAYBANK. I yield for a question.

Mr. EASTLAND. Is it not a fact that the present consideration of Senate bill 101, which under another bill number was formerly before this body, is holding up the consideration of legislation to bring the boys back from Europe and Asia; and does not the Senator think that the Senate could have considered legislation to promote demobilization during that time? Furthermore, in order to comply with the rules, let me ask whether the Senator knows that a club of the kind indicated by the card I hold in my hand has been organized? I refer to a card which is being mailed to the Members of the Senate. I hold one of them in my hand, and I shall read it:

Bring Back Daddy Club (servicemen's wives organization), Mobile Chapter, 256 Clark Street, Prichard, Ala.

I quote from the card:

The family is the essence of American life. We want fathers discharged from the service.
BRING BACK DADDY CLUB, MOBILE CHAPTER.
MRS. JAMES K. BURROUGHS.

Mrs. James K. Burroughs is a lady in my State of Mississippi.

Does not the Senate realize that by bringing forward the FEPC bill at this time its sponsors cause the boys who must remain in Europe and Asia to be further discontented, and lock the legislative wheels so that the American Congress cannot take action? Does not the Senator realize that the delay in considering necessary legislative matters is being caused by those who press for consideration of the pending FEPC measure?

Mr. MAYBANK. I appreciate the remarks of the distinguished Senator from Mississippi. Nearly all of my time, since my return to Washington, has been devoted to discussing the matter and working for the defeat of the FEPC bill. It was my thought, in addition to considering important demobilization plans, as well as many pending bills on the calendar, perhaps we should have gone further into the discussion of the cotton situation. The Senator well recalls that

on the day when we discussed to some extent the question of cotton, I was forced to give up the floor because the discussion was taking place during the morning hour, and before I could address myself to the question of the effect which would result on the southern people we were faced with the filibuster which is now taking place.

Mr. EASTLAND. I agree with what the Senator has said with reference to the subject of cotton. If he will yield for that purpose, I expect later to ask the Senator a question about cotton.

The Senator spoke of the CIO. Will the Senator yield in order that I may propound a question concerning certain policies of the CIO?

Mr. MAYBANK. I yield for a question.

Mr. EASTLAND. I have received a letter from the wife of a CIO member in Berkeley, Calif. In order to comply with the rule I will ask the Senator a question. Did he know that I had received a letter from the wife of a CIO member?

Mr. MAYBANK. No; I did not know anything about it.

Mr. EASTLAND. I wish to read from the letter. It is dated Berkeley, Calif., January 16, 1946, and is directed to Senator EASTLAND of Mississippi.

As I read the Post Inquirer as of the 15th (last night), how right you are in assuming that the present wave of strikes is coming from Moscow. I am the wife of a CIO member, and I know what I am talking about. Also the CIO unions are striving to get control of our Government. Not that they care what happens to the common laborer at all, for they are not interested in anything but the big money that they would get. Then the working people will do just as they say. To show you this is true, I want to tell you of a few things that are going on in the CIO union here in the East Bay and in San Francisco.

My husband works for the Colgate-Palmolive-Peet Soap Co. Has been there 10 years. So the things that go wrong from time to time would be straightened out by the business agent. So they got to where they would not come out to settle the grievance. They would say they did not have time. So the workers at the plant decided that they would go into the A. F. of L. union. So they got a man out to talk it over with them. And, to make a long story short, the CIO had the company to fire 49 men and women.

As the Senator must realize, that was done by discharging men from the CIO union, and, under the closed-shop rule, they were not permitted longer to work for the company. I continue reading:

Some men had been there 20 and 22 years. So you see the members don't dare defy the CIO. They did not fire all of them for going into the other union. And the company had nothing against the people they fired. They told them they did not have anything against them, and hated to let them go. The union told them that they would blackball their goods. Also, the CIO warehouse dues was \$2 per month, so they jumped it up to \$3 about 3 years ago, supposed to be for only a month or two, but it is still \$3. They have a dance once a year at the city auditorium. They force the members to buy a ticket at 50 cents each. Thousands of people don't go to dances. If they don't buy the ticket they refuse their dues, so are automatically out of a job.

Does not the Senator realize that the CIO is one of the strong backers of Senate bill 101, ostensibly designed to prevent discrimination in employment, and at the same time this agency of the CIO is holding people in peonage, and is selling the rights of men to work on the Pacific coast? Men who refuse to buy dance tickets, or whose dues are increased and are not paid for some reason or other, are considered as being no longer members of the union and lose their jobs. Does not the Senator believe that Senate bill 101 should be amended so as to cover situations of the kind to which I refer? Men should not be deprived of the right to work in this country.

Mr. MAYBANK. Did the Senator say that a charge was made for dance tickets, and that if the charge was not paid the man lost his job?

Mr. EASTLAND. That is what the writer of the letter from which I am reading has stated. I continue reading from the letter:

Now, they claim they have a sick couple that needs help. A man and wife. Every man is asked to donate \$5 each. If they don't donate within 4 months they will refuse their dues and be out of a job. Now, may I ask you Senators, not one but all of you, what does that look like? There would be more complaints but people are afraid to say anything. They would be out of a job.

Mr. President, there would be a reign of terror. Today men are being held in bondage and peonage, as the Senator must realize, and are afraid to complain to the Congress of the United States. Here is an organization which is holding Americans in slavery, and it comes here sponsoring Senate bill 101. I continue reading:

My husband was not fired yet but he knows that if he says anymore after the 49 was fired that he will get it too. There are thousands of members, too, to the CIO right here in the Bay region. You see what they want with that money they are stealing from the people is to try to get in power. They even say that this Government is on its way out.

Does the Senator realize from that statement what kind of an organization is pushing this measure?

Mr. MAYBANK. It is my belief that if such legislation as that which is now before the Senate ever passes, the American Government will certainly be on its way out, and neither employer or employee will have any rights left.

Mr. EASTLAND. Does not the Senator realize that if this bill is ever enacted into law the American Government will already have passed out?

Mr. MAYBANK. Certainly.

Mr. EASTLAND. I continue reading from the letter.

You see what has happened in other countries.

Now, please, Senators, do something and very soon. Let's not let these crooks get our country.

I am keeping all your names that is in the papers, and I am going to do some house to house canvassing to try to get your ideas over. Won't you tell this story to others? Won't you help to do something about it?

I will omit a part of the letter because it contains a personal reference to certain

Members of this body, and I do not believe that the reference belongs in this discussion.

But, brother, they would be surprised to know how many would like to say good-by to the CIO. But you see they don't dare say anything. They would lose their jobs. Please take this serious, for it really is serious. Please get in touch with—

Here she gives the name of a CIO member on the Pacific coast who would like to give the American Congress information about the intention of this organization to take over our Government. I will not read the name into the RECORD but I will state to the Senator from South Carolina that I will be glad to give the name to a congressional committee.

He will give you more low-down on the CIO. Also he will have others write you if you want to do anything about it.

I know this is not written as it should be, but it is enough that you can understand that we really are in danger. So please do something about it.

The lady signed her name. I shall not put her name into the RECORD. The letter bears a postscript as follows:

P. S.—Several thousand members at 50 cents each, \$1 each, and \$5 each, besides the regular \$3 each, and the other grafts they have, you see what it means.

Does not the Senator believe that it is the very rankest hypocrisy for an organization which is selling the right to work, and which, in reality, is holding American citizens in peonage, to come here with a proposition like Senate bill 101 and ask the American people to accept it?

Mr. MAYBANK. Mr. President, I appreciate the suggestions and statements of the Senator from Mississippi. It is my opinion that anyone who would support this FEPC legislation is making a dreadful mistake, and I am certain that time will show that if by any chance it ever should be passed it could not be enforced and that only chaos, riot, racial disturbance, and trouble would be the result.

Mr. President, when interrupted by the Senator from Mississippi, I had referred to conditions in the South in reconstruction days when a carpetbag government was imposed on the people of that great section. The issue then, of course, was Government control. The issue now in S. 101 is also Government control. It is my purpose to discuss features of the bill and how, in my opinion, its enforcement would be ruinous. I say its "enforcement" for the reason that we now have a pattern of what is to be expected by the record of the FEPC during the past 2 years. The bill, of course, declares that there shall be no discrimination in employment against properly qualified persons by reason of their race, creed, color, national origin, or ancestry. The declaration, of course, on its face appears to represent a desire on the part of some to provide a fair and impartial employment service for both Government and private industry.

When one considers the bill it does not take long to find out the real reason for the attempt to set up an agency of the Federal Government, not confirmed by the Senate, which will have power

over all other agencies to socialize industry and to destroy the freedom of action on the part of employee and employer.

I say without Senate confirmation for the reason that, while one section calls for Senate confirmation of the members of the commission, section 8 provides that all employees now working for the present Fair Employment Practice Committee under Executive Order No. 9346 shall be transferred to and become employees of the new commission. Both Mr. Ross and Mr. Masslow testified that the present Committee meets about once in every 2 weeks and that the actual work, that is the investigation and the determination of the law, is carried on by the employees under the 11 field offices. In other words, if we are to judge what is to happen in the future by what has been done in the past, the decisions and rules will be promulgated by employees now employed by the FEPC over which, of course, the Congress has no authority except through appropriations.

Section 3, subsection 1, deals first with the employment of individuals.

Section 2 deals with the discharge of individuals.

Section 3 deals with compensation of other terms of employment.

Section 4 confines the limit of employment.

All of these sections apply to employer. Subsection B goes into the employment practices by labor unions.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. MAYBANK. I yield for a question.

Mr. EASTLAND. The Senator spoke of the employment of individuals. Does he not know that under the present temporary FEPC, the employees of which under this bill will be transferred to the new permanent FEPC organization, if such an organization should be created, 59 percent of the jobs under that organization are held by Negroes; that 54 percent of its appropriations are spent on Negro employees, and that the Negro race constitutes but 9 percent of the American population? Does the Senator know that those are the figures?

Mr. MAYBANK. Yes.

Mr. EASTLAND. And does not the Senator think that the FEPC itself is guilty of discrimination?

Mr. CHAVEZ. Mr. President, will the Senator from South Carolina yield for a question?

Mr. MAYBANK. Let me first answer the question of the Senator from Mississippi, and then I shall be glad to yield.

The Senator from Mississippi is aware of the employment situation under the FEPC which was brought out last year before the Appropriations Committee, at which time tables were furnished showing the figures. I may say that at the meeting of the Appropriations Committee I expressed concern and was rather disillusioned because the Fair Employment Practice Committee did not move justly, I may say, apportion the positions under its control.

I now yield to the Senator from New Mexico.

Mr. CHAVEZ. Mr. President, did not the Senator from South Carolina state that in order to remedy the situation of which the Senator from Mississippi speaks we should pass this bill and stop that foolishness?

Mr. EASTLAND. Mr. President, will the Senator from South Carolina yield?

Mr. MAYBANK. I shall be glad to yield in a moment. I cannot agree with my good friend, the Senator from New Mexico, because, if this bill should pass, the only way we could stop the foolishness of the FEPC would be through the Appropriations Committee. That we tried to do last year, but in the committee my effort to reduce the appropriations was unsuccessful.

Mr. EASTLAND. Mr. President—
Mr. MAYBANK. I yield to the Senator from Mississippi for a question.

Mr. EASTLAND. In fact, the Senator from South Carolina had to meet the opposition of the Senator from New Mexico, did he not?

Mr. MAYBANK. The Senator from New Mexico can answer that question for himself. As I remember, he voted for the appropriation, and not against it. That is my memory.

Mr. EASTLAND. The Senator from New Mexico said we would have to correct it by passing a permanent FEPC. How could we correct it by passing a permanent FEPC, when under the bill the personnel of the old organization is transferred to the new organization? Does not the Senator from South Carolina realize that the Senator from New Mexico is proposing to extend the discrimination which is now practiced by the organization?

Mr. MAYBANK. I shall read to the Senator from Mississippi section 8 of the bill, which is as follows:

SEC. 8. Upon the appointment of the members of the Commission, the Committee on Fair Employment Practice, established by Executive Order No. 9346 of May 27, 1943, shall cease to exist. All employees of the said Committee shall be transferred to and become employees of the Commission. All records, papers, and property of the Committee shall pass into the possession of the Commission, and all unexpended funds and appropriations for the use and maintenance of the Committee shall be available to the Commission.

In other words, the bill provides that all the money, all the employees, all the records, all the books, and everything else shall be transferred from the present committee to the new commission for the use of the commission, and the commission must accept them.

Mr. EASTLAND and Mr. CHAVEZ addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. MAYBANK. I yield first to the Senator from Mississippi.

Mr. EASTLAND. In other words, by the pending bill the Senator from New Mexico is attempting to make permanent a temporary discrimination. Is not that true?

Mr. MAYBANK. Under the pending bill, there would be permanent discrimination in the employment of workers in proportion to their numbers, as the Senator from Mississippi has brought out.

I now yield to the Senator from New Mexico.

Mr. CHAVEZ. I am most anxious to help the Senator from Mississippi to remedy that terrible condition. While this bill does provide for the transfer of the old agency to the new commission, it also provides that not even a Government agency may practice discrimination. Hence, if the Senator from Mississippi is so desirous of doing away with discrimination in Government agencies, all he has to do is to vote for this bill, and then I shall fight with him to make sure that there shall be no discrimination in the case of Government employees. The bill has that in mind; in fact, it provides for that.

Mr. EASTLAND. Mr. President, will the Senator from South Carolina yield for a question?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. MAYBANK. I yield.

Mr. EASTLAND. I will tell my good friend from New Mexico that we are going to undertake to stop discrimination by not letting this bill pass. That will be the greatest contribution the American Congress can make to end discrimination in Government employment.

Mr. CHAVEZ. Mr. President, then the Senator from Mississippi is extremely inconsistent. I do not blame him for complaining about discrimination; but in one breath he says, "I do not like the way the present Fair Employment Practice Committee is proceeding, because it is discriminating against the whites," and in the next breath he says, "We are not going to remedy it at all because we will not let pass the bill which would remedy that situation."

Mr. EASTLAND. Of course we are going to remedy the situation so far as the temporary agency which has been practicing discrimination is concerned, for I do not think the Congress will renew it, and then when this bill fails of enactment the discrimination is bound to stop, because the FEPC as now constituted is the greatest agency of discrimination in the Government.

Mr. CHAVEZ. The Senator from Mississippi should know something about discrimination.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. CHAVEZ. Yes.

Mr. MAYBANK. I have the floor.

Mr. EASTLAND. Will the Senator from North Carolina yield for a question?

Mr. MAYBANK. Very well.

Mr. EASTLAND. I will ask the Senator from New Mexico if he does not realize there is less discrimination in employment in my State than in any other State of the Union?

Mr. CHAVEZ. I will go further than that; I admit it.

Mr. EASTLAND. The Senator said I knew something about discrimination. I do not know as much about discrimination as the Senator from New Mexico, judging from the picture the distinguished Senator drew of discrimination against the Mexicans in his State.

Mr. CHAVEZ. That is right.

Mr. EASTLAND. My State is half white and half black, and we have no discrimination.

(Manifestations of laughter in the gallery.)

Mr. CHAVEZ. Of course.

The PRESIDING OFFICER. Let there be order in the galleries.

Mr. EASTLAND. I call as the first witness Mr. Malcolm Ross, the chairman of this agency, who says that less than 10 percent of the complaints originate in the South.

Mr. CHAVEZ. I am inclined to agree with the Senator.

Mr. EASTLAND. But the Senator said I knew something about discrimination.

Mr. CHAVEZ. When the Senator stated there was discrimination by this agency of the Federal Government I took it that the Senator meant that he knew what he was talking about.

Mr. EASTLAND. I did mean that. Here is an agency which gives 59 percent of its jobs to a race which constitutes 9 percent of the American population; and that is not a discrimination?

Mr. MAYBANK. Mr. President, I might say to the Senator from Mississippi that later in the remarks I intend to make, I expect to read Mr. Ross' letter into the RECORD, showing that there is less discrimination in the South than anywhere else.

I also wish to say that I do not consider the bill we are discussing a bill to stop discrimination in employment. It goes far beyond that. It goes into promotions, it goes into dismissals, it goes into labor unions, it goes into every nook and corner of American life. So while there is reference to employment, that is not what I intend to discuss, because that is not the bill. The bill is supposed to do away with discrimination in the future. That is the substance of the bill. When I reach that point, I intend to quote those who are in authority. This is not a fair-employment practice bill. We believe in fair-employment practice. It is practiced in the South. It is practiced in the navy yards, it is practiced everywhere. Mr. Ross' own testimony will show that. The bill attempts to abolish discrimination. That is what it is for.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. EASTLAND. Is it not a fact that the fight being made on the bill by the southern delegation in the United States Senate is not a fight to preserve discrimination anywhere, but is a fight to maintain the most sacred rights possessed by the American people, including the right of trial by jury—

Mr. MAYBANK. The Senator is correct.

Mr. EASTLAND. The right of an accused to be faced by the witnesses against him, the right to be tried in a court by a jury of his peers, with competent evidence introduced against him?

Mr. MAYBANK. To my way of thinking, the Senator is correct.

Mr. CHAVEZ. Mr. President, will the Senator from South Carolina yield?

Mr. MAYBANK. I yield.

Mr. CHAVEZ. I thank the Senator from South Carolina for indulging me one brief moment.

Mr. MAYBANK. Certainly.

Mr. CHAVEZ. I should like to ask the Senator from Mississippi, if we were to agree to an amendment which would let this bill pass, and which would provide for trial by jury, would the Senator from Mississippi be for it?

Mr. EASTLAND. I will answer that question by saying that denial of trial by jury is not all that is wrong with this bill.

Mr. CHAVEZ. Then that is not the reason why the Senator is against it.

Mr. EASTLAND. The Senator did not let me conclude. An accused person can be tried by a jury, but under the bill he can still be convicted on hearsay testimony; he still does not have to be faced by his accusers.

Mr. CHAVEZ. In the great right of trial by jury I believe.

Mr. EASTLAND. If the Senator believes in the right of trial by jury, why did he not put it in his bill?

Mr. CHAVEZ. Suppose it was an oversight; suppose it was neglect?

Mr. EASTLAND. It could not have been oversight; it could not have been neglect.

Mr. CHAVEZ. Suppose I put it in; would the Senator vote for the bill?

Mr. EASTLAND. I would not vote for this bill under any conditions, because it is a communistic attempt to destroy this country. (Manifestations of laughter in the galleries.)

I know the Senator from New Mexico is acting in entire good faith; I know he is not a Communist; I know he is a great American.

Mr. RUSSELL. A point of order, Mr. President. Under the rules of the Senate, the occupants of the galleries are guests of the Senate, and should maintain order. I make the point of order that that rule is not being observed.

The PRESIDING OFFICER. The Chair reminds the occupants of the galleries that there must be order. Any one in the galleries making any demonstration will be removed.

Mr. MAYBANK. Mr. President, since these interruptions have suggested one or two important matters about employment, I wish to digress from the particular subject I was discussing and read at this time to the Senate a statement by Mr. Ross, who is the Chairman of the present FEPC under the Executive order, and who appeared at a hearing on the appropriation bill for the national war agencies in 1945. I want all Senators to remember that Mr. Ross has been, was then, is now, the chief supporter of the proposed legislation, but in justice to Senators from the South and in justice to the people of the South who have tried to be fair, and have been fair, I wish to read Mr. Ross' testimony. There might still be a few discrepancies here and there, but our record is so far above that of other sections of the country that I intend to read this statement, so that it may be shown that there is no basis for pointing the finger of scorn at southern Democrats.

The senior Senator from Tennessee [Mr. McKELLAR] was presiding, and Mr. Ross made the following statement:

The experience of my Committee indicates a heavy concentration of discrimination in the great war-production centers of the Northeast, Middle West, and the west coast. Nearly 90 percent of the 2,286 cases closed by the Committee during the past 10 months of this fiscal year originated in those areas.

I pause in the reading to suggest that if the Members of the Senate from the areas mentioned are interested in the FEPC, they should have the legislatures of their States pass proper laws, or the cities to adopt proper ordinances, to prohibit such discrimination.

Mr. CHAVEZ. Mr. President, will the Senator from South Carolina yield?

Mr. MAYBANK. I yield.

Mr. CHAVEZ. I agree with everything the Senator from South Carolina has said, and if he will turn to page 3 of the committee report, he will find the following language—

Mr. MAYBANK. I thank the Senator from New Mexico; I know he has visited my State, he has been in my home city, and I know he has always felt that we are not discriminating there, as those in other sections have been. Am I wrong in that?

Mr. CHAVEZ. No; the Senator is correct. If he will bear with me the language of the report on page 13 is as follows:

Contrary to the general impression, unfair discrimination in employment is not the exclusive problem of certain sections of the country. The experience of governmental agencies—

Mr. MAYBANK. Mr. President, I should like to say that I never charged the Senator from New Mexico with such a thought as that we discriminate, because I know he is too big a man and too broadminded to point the finger of scorn at southern Democrats and say we are discriminating. I know he does not feel that way.

Mr. CHAVEZ. I want to show the Senator what the committee said about it. I read:

The experience of governmental agencies charged with the responsibility of facilitating all-out war production has demonstrated that there is scarcely any important industrial area of the United States where there is not some form of discrimination sufficient to prevent the full utilization of manpower and the free flow of goods important to the national economy. The President's Committee on Fair Employment Practice has found that only one-fourth of the cases referred to it concerning discrimination against Negroes originate in the 17 States of the South.

That is only one-fourth of the entire number.

Mr. MAYBANK. I thank the Senator from New Mexico. I shall continue to read from the testimony of Mr. Ross. I want it understood that I do not know the correctness of the statement, though I believe it to be correct. I know that Mr. Ross was a witness before the committee for several days, and if these conditions exist, then it is the duty of the States and the cities in which they exist to do something about them, but

it is not the duty of the Congress of the United States to deal with them. Why trouble us in South Carolina if something is wrong in Pittsburgh?

I continue to read:

The deep South, which I will discuss later, originated 10 percent of the cases. There are obvious reasons why minority group employment encounters difficulties in great war-production centers such as Pittsburgh, Detroit, Chicago, and Philadelphia. They spring very largely from the discomforts and tensions inevitably created by long working days, crowded boarding houses, crowded busses, and lack of recreation. Tempers are short, and any latent prejudice against Mexicans, Jews, Negroes, or workers of obvious foreign origin can quickly find expression in attempts to deny these groups the right to work or be placed in skilled higher-paid jobs.

These tensions exist as a byproduct of our necessity to work miracles of speed and volume in war production.

I pause in my reading to say that the FEPC emphatically states that the condition was due to the speed in connection with war production. The war is now over. There was no Fair Employment Practice Committee bill debated on the Senate floor during the war. The Appropriations Committee provided certain funds to the Executive to be used during the war, but the war is now over. The conditions which Mr. Ross referred to were war conditions.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield for a question.

Mr. EASTLAND. Does the Senator know that southern railroads employ more Negroes in proportion to the number of their employees than railroads in any other section of the United States?

Mr. MAYBANK. Of course, that is true. The Senator's statement is correct.

Mr. EASTLAND. And in the face of that situation this man Ross attempted to charge the Southern Railroad System and other railroads with discrimination.

Mr. MAYBANK. The Senator is correct. The famous case in which the Southern Railroad was brought before the committee appears further on in these hearings.

Mr. EASTLAND. Mr. President, will the Senator again yield?

Mr. MAYBANK. I yield.

Mr. EASTLAND. Does the Senator know anything about Mr. Ross' background?

Mr. MAYBANK. I know nothing about Mr. Ross' background. I have heard different statements about it, but I have seen Mr. Ross only when he was before the Appropriations Committee on several occasions.

Mr. EASTLAND. If this bill should be enacted into law and the President should have the chance to appoint members of the Commission, would the Senator vote to confirm Mr. Ross to be a member of the Commission?

Mr. MAYBANK. If the bill became a law I would be willing to filibuster against the confirmation of anyone to be a member of such a commission. I would not vote for anyone to be a member.

Mr. EASTLAND. If the Senator will further yield?

Mr. MAYBANK. I yield.

Mr. EASTLAND. The Senator is speaking the language of pure democracy, with which I entirely concur.

Mr. MAYBANK. Mr. Ross continues:

San Francisco's Negro population has increased nearly 300 percent in the past 3 years, Los Angeles has a present Negro population of 91,000, Chicago has 350,000, Detroit 185,000, and Philadelphia a quarter of a million. Every one of these cities is marked on the WMC chart for this current month as a group I area, meaning the top level of acute manpower shortage. The training, employment, and use at top skills of the Negro men and women in these centers is not an academic issue. The more their labor is accepted, the more guns and ships we shall have and the sooner this tragedy of war will be over.

The total manpower need cannot be considered apart from any one group, indeed, not even apart from any one American citizen. A man farms or makes bullets or goes into the Army. In any case he is vitally needed. The only man or woman lost to the war effort is he or she denied a place in it for reasons other than ability, loyalty, and willingness. Our national work pool has been drained to the point where we are using German war prisoners and importing tens of thousands of Mexicans, West Indian Negroes, and even a couple of thousand Newfoundlanders. All these latter groups come under one or more of the classifications: "race, creed, color, or national origin." Surely it is poor national economy to invite minority groups to cross our borders while not using our own native stock.

Mr. EASTLAND. Mr. President, will the Senator yield there?

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from South Carolina yield to the Senator from Mississippi for a question?

Mr. MAYBANK. Yes; I yield for a question.

Mr. EASTLAND. Under the bill as it is written would not an alien who is in this country and who belongs to a minority group be entitled to a job in preference to a veteran who returns from the war?

Mr. MAYBANK. That is the way I construe the bill. I will say to the Senator that in looking over the hearings held before the Appropriations Committee I find that the FEPC had objected to requiring everyone to show a birth certificate or filing a birth certificate before obtaining employment. I am aware of the fact that unfortunately in some places birth records are not carefully kept, but I think that in view of the large number of aliens who were found to be here at the beginning of the war, when registration took place, records would be available. Certainly so far as the several hundred thousand who still remain, who should have been sent away from this country a long time ago, in their case either a birth certificate should be provided or a citizenship certificate should be shown.

Mr. EASTLAND. Mr. President, will the Senator yield further for a question?

Mr. MAYBANK. Yes.

Mr. EASTLAND. In other words, this bill gives a preference in employment to members of minority groups, does it not?

Mr. MAYBANK. In my opinion it is designed to do so.

Mr. EASTLAND. And it gives such preference over a veteran belonging to the Anglo-Saxon race.

Mr. MAYBANK. That would be my opinion of the bill, and I may say further that the bill goes much further than simply dealing with employment. It deals also with the matter of promotion. It deals with the matter of discharges from employment. It goes into every phase of the employment activities of State governments, the employment activities of political subdivisions of a State, into the activities of the individually privately employed, of labor unions, of railroad trainmen, and so forth, and so on. As I have said, it goes further than simply dealing with the matter of employing individuals. It goes into the question of the discharge and promotion of employees.

Mr. EASTLAND. Mr. President, will the Senator yield again for a question?

Mr. MAYBANK. I yield.

Mr. EASTLAND. Does not the Senator believe that this bill is an attempt to give the agency which it would set up, which will probably be dominated by the radical groups, as is the present FEPC, control of the employment policies of the States, of the counties, of the municipalities, and of other political subdivisions?

Mr. MAYBANK. That is the way I construe the section of the bill dealing with the subject, which I had intended to discuss later, in connection with the duty of the State not to encroach on any of the rights of the United States, under the provisions of this bill.

Mr. EASTLAND. In fact, is it not an attempt to control the employment policy of the public-school system of the Nation?

Mr. MAYBANK. I concur that it is an attempt to control the employment policy in the public-school system, through dictating how teachers may be promoted, how they may be dismissed, and so forth.

Mr. EASTLAND. And does not the Senator think that that is a reasonable construction to be placed on this bill, and and is not a strained construction to be placed on it?

Mr. MAYBANK. The Senator from Mississippi is an eminent lawyer. Section 2 provides as follows:

Sec. 2. The right to work and to seek work without discrimination because of race, creed, color, national origin, or ancestry is declared to be an immunity, of all citizens of the United States, which shall not be abridged by any State or by an instrumentality or creature of the United States or of any State.

Mr. EASTLAND. Would not that include the eleemosynary institutions of a State?

Mr. MAYBANK. I take it it would include everything.

Mr. EASTLAND. Would it not include the employment policies of State institutions for the deaf, State institutions for the blind, and hospitals for the insane, as well as all other hospitals?

Mr. MAYBANK. I take it it would include everything. I should like to have the Senator comment on that point.

Mr. EASTLAND. It is my judgment, Mr. President, if I may comment without prejudicing the right of the Senator to the floor, that it would clearly control the employment policies of all business in the United States, both public and private. It would reach down to the municipality. It would reach into our public-school system. The bill would do more to destroy the American system of Government than every step that has been taken since the beginning of this country until the present day to get away from the principles on which it was founded. It would be a longer step than all the others combined.

Mr. MAYBANK. I construe that section to permit control of employment in the police department and the fire department of a municipality.

Mr. EASTLAND. Would it include the highway departments of the States?

Mr. MAYBANK. Certainly. There can be no question of that, because of Federal aid for road construction.

Mr. EASTLAND. The Federal Government contributes money for the operation of the highway departments and for road systems.

Mr. President, will the Senator further yield?

Mr. MAYBANK. I yield.

Mr. EASTLAND. If what the Senator has described is correct, what authority would a State have left?

Mr. MAYBANK. None.

Mr. EASTLAND. What authority would a municipality or county have left?

Mr. MAYBANK. I regret to say that the States have very little authority left today; but if this bill were enacted into law, there would be none left.

Mr. EASTLAND. If the bill is constitutional, does not the Senator believe that the next step, in the interest of efficiency, is to abolish the counties, the cities, and the States, and consolidate all authority in Washington?

Mr. MAYBANK. Not in Washington, but in the FEPC.

Mr. EASTLAND. That is in Washington.

Mr. MAYBANK. It would be not only in Washington, but all over the country, because the Commission could hold meetings and carry on its committee work anywhere it chose to do so, as the Senator well knows, because he has read the bill. It is not confined to Washington.

Mr. EASTLAND. Mr. President, will the Senator further yield for a question?

Mr. MAYBANK. I yield.

Mr. EASTLAND. Under the terms of the bill could an employer in South Carolina be cited to appear in New York City or on the Pacific coast to answer a complaint against him?

Mr. MAYBANK. As I understand the bill, he could be cited to appear as far away as Alaska or Puerto Rico. It says any of the Territories.

Mr. EASTLAND. Does the Senator believe that it is Anglo-Saxon Americanism to drag a man across the country—

Mr. MAYBANK. Not only is it not Anglo-Saxon Americanism, but it is no kind of Americanism.

Mr. EASTLAND. Mr. President, will the Senator yield for a further question?

Mr. MAYBANK. I yield.

Mr. EASTLAND. When he gets there he is confronted by an agent or examiner of the Commission.

Mr. MAYBANK. Who is both judge and jury.

Mr. EASTLAND. Who is the prosecutor?

Mr. MAYBANK. The FEPC.

Mr. EASTLAND. Who is the judge?

Mr. MAYBANK. The FEPC.

Mr. EASTLAND. Who is the grand jury?

Mr. MAYBANK. The FEPC.

Mr. EASTLAND. Does the Senator think that that is Americanism?

Mr. MAYBANK. I certainly do not.

Mr. EASTLAND. It is much more akin to the system used in Soviet Russia today than the system of government in the United States.

Mr. MAYBANK. I agree with the Senator that the bill has not a line of Americanism in it.

Mr. EASTLAND. Does the Senator think that the accused would even be entitled to an open hearing, after traveling from Charleston to San Francisco, or could the agent, if he so desired, have a closed hearing or a closed trial, as is the vogue in Russia today? I ask the question in all seriousness.

Mr. MAYBANK. Mr. President, let me answer the question by referring for a moment to Mr. Ross' testimony with respect to action on complaints:

We have some 15 regional offices around the country. We only act on complaints. During the last year there were some 1,400 complaints made to us, which, on their face, we did not feel had any validity. We did not carry them through. We did not go out aggressively seeking trouble. Trouble is in the situation, and comes to us.

I wish to have the Senator from Mississippi listen very carefully to the next statement:

Of those 1,400 complaints there were some 800 employers who never knew the complaints were filed—

In other words, 800 of the 1,400 employers did not even know that complaints were filed against them—

because the Committee in screening the complaints saw that there was no merit in them and dismissed them. That is our purpose in having the Government agency on hand to screen complaints and to prevent needless controversy.

I may say in that connection that in screening the complaints and throwing out 800 of them they probably did a good thing, but I do not believe that any Government agency should have the right to screen secretly complaints against anyone. If a person makes a complaint to a Government agency against a corporation, or if a business firm makes a complaint against an individual under the terms of the bill, it seems to me that both parties should have knowledge of the facts. In other words, the Committee should not decide the merits of a complaint in secrecy. In my judgment, that is secret government, and I certainly do not desire to see any more secret government. Unfortunately, we had a taste of it in the South.

Mr. EASTLAND. Mr. President, will the Senator yield to me for a comment, provided that it does not prejudice his right to the floor? Will the Senator from New Mexico agree?

Mr. CHAVEZ. Mr. President, I am enjoying the remarks of the Senator from South Carolina, and I think it is only fair that he should not be interfered with. I think it is only proper that we should allow the Senator from South Carolina to proceed. I object.

Mr. EASTLAND. Mr. President, will the Senator from South Carolina yield for a question?

Mr. MAYBANK. I yield for a question.

Mr. EASTLAND. The Senator has stated that the accused could be taken across the country for trial.

Mr. MAYBANK. That is my interpretation of the bill.

Mr. EASTLAND. The Senator knows, does he not, that that is a violation of right No. 1 as an American? When he gets to the place which has been set for the hearing he is confronted with an agency which is the grand jury, prosecutor, judge, and jury. As the Senator knows, that is a violation of the fundamental rights of an American. Does not the Senator know that at that hearing he would not be entitled to the right of cross-examination; he would not be entitled to be confronted by the witnesses against him; and he would not be entitled as a matter of law to an open hearing? He would be stripped of the right of demanding, before being convicted, that he be proved guilty beyond every reasonable doubt and to a moral certainty, which under our system of government is absolutely fundamental before a man can be lodged in jail. He is denied that right.

Does not the Senator know that he is further denied the benefit of the rule which prevails in civil suits in this country that the plaintiff must prove his case by a preponderance of the evidence? That right is also taken away. If he is convicted, he does not have the right to go into the Federal court and obtain a decision on the evidence and on the facts. Does not the Senator know that the bill provides that, if there is any evidence against the defendant to support the charge, no matter whether it is hearsay, no matter whether it is competent or not, the sentence must be confirmed? The proponents of the bill would tie the hands of the Federal courts and make them confirm the sentence.

I ask the Senator from South Carolina in all sincerity—and I am very sincere in this question—whether it is not a fact that the system proposed to be set up by the bill is identical with the system in vogue today in Russia and identical with the system used in Nazi Germany and identical with the system used in other totalitarian countries, where all the rights of the individual have been swept away?

Mr. MAYBANK. Mr. President, I will answer that question by saying that I am not as familiar as perhaps I should be with the situation in Russia and in Germany. I know that the system proposed by the bill is a totalitarian system, and I know that it does not conform with the present system in America in connection

with the trial of cases in the courts. It goes even further than the OPA investigators went during the days when, in the Banking and Currency Committee, for several years we tried to make some changes in regard to giving rights to those whom the OPA investigators were investigating and prosecuting.

It has often been said that the power to tax is the power to destroy. If this bill passes, that saying will be changed, because then it will be said that the power to investigate is the power to destroy, because the Commission's investigators will be able to investigate businesses and people for months at a time, until their businesses are ruined.

Mr. EASTLAND. I agree with the Senator. Will the Senator yield for another question?

Mr. MAYBANK. I yield.

Mr. EASTLAND. I should like to have the Senator tell me what right, what safeguard, an American citizen will have left, when an issue of discrimination arises, if this bill is enacted into law? I should like to have the distinguished Senator point to just one safeguard of human liberty that would be left.

Mr. MAYBANK. I am not able to do so.

Mr. EASTLAND. Does the Senator know of any that would be left?

Mr. MAYBANK. I do not. Of course, people could eventually go to the courts.

Mr. EASTLAND. But they could not go to the courts on a question of fact.

Mr. MAYBANK. No, they could not go to the courts on a question of fact.

Mr. EASTLAND. The Senator knows that even the hands of the Federal courts would be tied, and that if there was any evidence whatsoever—whether hearsay, or no matter how poor it was, no matter how incompetent to be received in a court of justice—the hands of the courts would be tied. Without prejudicing the rights of the distinguished senior Senator from South Carolina, I say in all sincerity—

Mr. MAYBANK. Mr. President, I yielded for a question.

Mr. EASTLAND. I said that, without prejudicing the rights of the Senator from South Carolina—

The PRESIDING OFFICER. The Senator from South Carolina yielded for a question.

Mr. CHAVEZ. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield for a question?

Mr. MAYBANK. I yield for a question.

Mr. CHAVEZ. I should like to ask the Senator a question. Does not the Senator think that inasmuch as the Senator from Mississippi has proven his case so well and has convinced a majority of the Senate, we over here should get ready to kill this bill by a vote—if the things the Senator from Mississippi has mentioned are to happen? He was very convincing; and if he convinced the Senators in this body that what he has said is correct, this bill should not pass.

Mr. MAYBANK. I thoroughly agree with the Senator from New Mexico that this bill should not pass.

Mr. CHAVEZ. Does not the Senator think that inasmuch as the Senator from

Mississippi has so well placed the matter before this body, all Senators should be convinced that we should be allowed to have a chance to kill the bill by having a vote on it?

Mr. EASTLAND. Mr. President, will the Senator yield to me for a question?

Mr. MAYBANK. I yield for a question.

Mr. EASTLAND. The statements I have made were made in all sincerity, and I should like to ask the Senator from South Carolina this question: If what we have stated is not true, does not the Senator from South Carolina wish to have the Senator from New Mexico take the floor in his own time and deny what we have stated, and does not the Senator from South Carolina wish to have the Senator from New Mexico tell of just one right, one safeguard of liberty which would be left to an American citizen when an issue of discrimination arose, if this bill were enacted into law, because, frankly, after studying it, I cannot find a single safeguard or a single right which would be left to an American citizen.

Mr. MAYBANK. I thank the Senator.

Mr. RUSSELL. Mr. President, will the Senator from South Carolina yield for a question?

Mr. MAYBANK. I yield to the Senator from Georgia for a question.

Mr. RUSSELL. I ask the Senator from South Carolina if one sound reason why we might not be able to accede to the wishes of the Senator from New Mexico in this matter is that those who say they are supporting this bill cannot stay here and learn the truth about it? Here there is under discussion a bill in which the Senator from New Mexico would have us believe there is a tremendous amount of interest; he would have us believe that the whole Government will fall and be destroyed if we do not pass this bill, because of the great discrimination which is abroad in the land, and so the Senator from New Mexico would have us pass the bill. However, when we discuss the bill here, in the middle of the afternoon, we find that the Senator from New Mexico, who, of course, is watching the bill; the Senator from South Carolina [Mr. MAYBANK], who is discussing it; the Senator from Mississippi [Mr. EASTLAND], the distinguished Senator from Pennsylvania [Mr. GUFFEY], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New Jersey [Mr. SMITH], and the Senator from Indiana [Mr. WILLIS]—a total of approximately 7 or 8 Senators, I think—and just now the Senator from Colorado [Mr. JOHNSON] has entered the Chamber, so here we have present approximately 8 or 10 Senators—

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I do not have the floor.

Mr. SMITH. I simply wish to understand correctly what the Senator's inquiry is.

Mr. RUSSELL. I addressed my inquiry to the Senator from South Carolina, I may say to the Senator from New Jersey.

Mr. SMITH. I thank the Senator.

Mr. RUSSELL. I ask the Senator from South Carolina this question: If the bill is so important and if the whole country is about to fall because the bill cannot be enacted, does he not believe that it is strange that so many Senators who are so fervent in their support of the bill and are so anxious to discuss it do not stay here for the discussion, and I ask the Senator further if he does not believe that the fact is that many Senators who unwittingly have become committed to this iniquitous measure have become so disgusted with it that they do not care to remain in the Chamber to hear it discussed?

Mr. MAYBANK. I agree with the Senator that it is apparent that many Senators do not desire to remain in the Chamber to hear the bill discussed. After reading in the newspapers that we would be in session morning, noon, and night, I am disappointed that so many Senators are now absent from the Chamber. But in view of the fact that we remained in session yesterday until 6:15, was it not?

Mr. RUSSELL. It was about that time.

Mr. MAYBANK. In view of that fact, I assume that the absent Senators are now outside the Senate Chamber reading the proceedings of yesterday's session, and I assume that a similar situation will exist tomorrow.

Mr. President, I shall now read from page 150 of the hearings held by a subcommittee of the Senate Appropriations Committee when it was considering the national war agencies appropriation bill for 1945. The hearing from which I shall read was held on June 5, 1944, at which time the subject under consideration by the subcommittee was the Committee on Fair Employment Practice. Mr. Malcolm Ross, Chairman of the Committee on Fair Employment Practice, was testifying, and, among other things, he had this to say:

North, East, and West, then, we find discrimination because of employer inertia to change in their employment practices who because of locally grown or imported worker prejudice, and because all workers fear post-war unemployment and would rather not share jobs, even now, with new or outside groups.

Mr. President, I should like to repeat that testimony by Mr. Ross.

North, east, and west—

There is no reference to the South. Evidently he did not believe there was any inertia on the part of the southern people. According to Mr. Ross, the inertia was in the North, in the East, and in the West. That would be in keeping with the previous statement here, Mr. President, that 90 percent of all the cases closed by the Committee during the preceding 10 months of the fiscal year originated in the Northeast, in the Middle West, and on the west coast.

Mr. President, following the statement I have referred to, there appears this:

In the Southwest, ranging as far north as Colorado and as far west as California, there is a specialized problem of employment discrimination against Mexican Americans, more than 3,000,000 of them. Despite the fact that three-fourths of a million are third-genera-

tion American citizens, their national origin subjects them to discriminatory wage rates and bars them from job preferment.

As one of the Senators from South Carolina, I should like to say that I sincerely regret that such a situation exists in the Southwest, and I am certain it would never exist in the South. In the South such conditions as that could not be.

I read further from the testimony of Mr. Ross:

I do not assert, Mr. Chairman, that discrimination is the general rule, here or with other minority groups. But we do have evidence that discrimination cuts deep enough to hamper war production and to lessen that patriotic fervor which is the spiritual meat with which a fighting nation must nourish itself. If I may be permitted a personal comment, 20 years ago I worked as a mucker in a southwestern copper mine, and in both wage rates and working conditions I with other so-called Anglos was the beneficiary of discrimination against Mexican-American miners. Present evidence from the area indicates that the problem still exists.

Mr. President, I must concur with the statement of Mr. Ross that some problem exists in the Northeast, the North, and in the Southwest, but I again suggest that the problem can be cured by local legislation. The distinguished Senator from Georgia [Mr. RUSSELL] stated that many States had considered, through their respective legislatures, fair employment practice bills. I cannot understand why a drive was not made to enact such legislation in those States, and why the organizations which are supporting the pending bill did not use their influence in having similar legislation enacted in many States in which such legislation was defeated. I understand that some time ago legislation of that character was enacted in New York, in New Jersey, and in Utah.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. EASTLAND. The Senator referred to the FEPC law in the State of New York. Is it not the Senator's information that the enactment of that law has doomed Mr. Dewey's political future in New York State?

Mr. MAYBANK. I do not know anything about Mr. Dewey's political future, but I have been made to understand that the law is not at all a popular law within the State of New York. I have been told so by many persons. I have heard representatives of various races so state. The Senator from Mississippi could not expect a Senator from South Carolina to know anything about politics in the State of New York.

As the Senator from North Carolina [Mr. HOEY] stated earlier in the day, there is no Republican Party of any appreciable size in the South. That is why the members of that party in the South do not cast many votes. I have never heard Mr. Dewey discussed in the region from which I come.

Mr. EASTLAND. Mr. President, the Senator from South Carolina and the Senator from Mississippi are doing their best to defeat the pending bill because we know of the effect which the New York law has had, and we wish to protect our

good friend from New Mexico from himself.

Mr. CHAVEZ. Mr. President, I certainly appreciate the kindness and solicitude of the Senator from Mississippi, and I wish to thank him.

Mr. MAYBANK. Mr. President, we now come to a very important statement. We have heard, and it has been proven, that 90 percent of the violations to which reference has been made occurred in New England, in the North, and in a few large cities of the West. We have heard it stated that less than 10 percent of the complaints have come from the South. Here is what Mr. Ross said:

The problem in the deep South almost exclusively concerns the Negro worker. These form perhaps the largest pool of southern manpower.

Mr. President, that statement is correct.

The South is well used to Negro labor and there is seldom, as in northern cities of great Negro in-migration, any downright refusal to employ Negroes.

Although I do not agree with the theory of the FEPC bill, and although I disagree with most everything which Mr. Ross has ever said before the committee, I do believe, as a representative in this body of a Southern State, that he has made an absolutely factual statement. I will repeat it:

The South is well used to Negro labor and there is seldom, as in northern cities of great Negro in-migration, any downright refusal to employ Negroes.

Mr. Ross used the word "seldom." In my experience during many years in public life, I never heard of any refusal to employ Negroes, but there may now and then have been a refusal on the part of some bigoted or prejudiced individual.

Mr. Ross continued:

As far as war industry is concerned—and it is the only one we are considering here—FEPC cases arising in the South are apt to concern a reluctance to train Negro workers and the retention at menial work of Negroes who have fitted themselves for skilled jobs.

Mr. Ross stated before the committee that it is very seldom in the South that employment is refused to a Negro, but that there is a reluctance to train workers. I may say, and no one knows better than the present occupant of the chair, that there certainly was never any reluctance on the part of the schools and colleges in South Carolina to train Negroes. In the Negro colleges every effort was made to place in them every piece of equipment which could be obtained in order that Negroes might be properly trained. Moreover, I may say that the Negroes who were trained did a good job.

So there was never any effort on our part to deny them the right to be trained. Bond issues were sold. I might say that the NYA helped us as much as it could, and we used the funds as best we could in South Carolina to train the white and the Negro workers, as well. I was a supporter of appropriations for the NYA. At times I was criticized for that, and when I ran for office I always knew the people believed in the just, liberal government we have. They believed in the

Federal Government, through NYA, assisting where we did not have sufficient funds to train people to work, and we trained them regardless of race, creed, or color.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. EASTLAND. The distinguished Senator is making a very able argument, and I should like to ask him a question. Does the Senator know of a single Member of the United States Senate who, in the employment of the personnel in his office, follows the principles laid down in the bill we are considering, which we are asked to force on the American people?

Mr. MAYBANK. No.

Mr. EASTLAND. I will say quite frankly that I know of none. Does the Senator know of a single committee of the United States Senate where the principles laid down in this bill are followed in the employment of committee personnel?

Mr. MAYBANK. I do not.

Mr. EASTLAND. With the exception of Mr. MARCANTONIO, of New York, does the distinguished Senator know of a single Member of the House of Representatives who follows the principles laid down in the bill in the employment of his office personnel?

Mr. MAYBANK. I do not.

Mr. EASTLAND. Does the Senator know of a single committee of the House of Representatives which uses those principles in the employment of committee personnel?

Mr. MAYBANK. I do not.

Mr. EASTLAND. I should like to ask the Senator a further question. Does the Supreme Court of the United States follow the principles laid down in the bill in the employment of personnel?

Mr. MAYBANK. I am not familiar with the practice of the Supreme Court in that regard. I would say to the Senator that I never heard of them doing so.

Mr. EASTLAND. I tell the Senator frankly that they do not. I should like to ask a further question. Does the White House follow the same principles laid down in the bill in the employment of personnel at the White House?

Mr. MAYBANK. I have never heard that they did. Very frankly, I am not familiar with that.

Mr. EASTLAND. Then, here are men who do not practice this system attempting to force it on the American people.

Mr. MAYBANK. Mr. President, very frankly, I do not know about what may be done in the Supreme Court or what may be done in the White House, or what the Governor of New York, who sponsors the legislation, does in his office in New York. That field is a little foreign to me. But I will say that I think it would be an outrage for any Senator to vote to make any man who hires more than six people in private industry, or in other business, live up to this proposed law and he himself not live up to it. If I voted for it, I would follow the law.

Mr. EASTLAND. Will the Senator yield for another question?

Mr. MAYBANK. I yield.

Mr. EASTLAND. I agree entirely with the Senator from Maryland [Mr. Ty-

nings] in the brave speech he made yesterday, when he said that this bill is a great piece of hypocrisy; which is exactly what it is.

Mr. MAYBANK. Mr. President, I, for one, believe in free enterprise, and believing in the principles of the Constitution of the United States and the Bill of Rights, I would never vote for any law being applied to anyone else which I would not want applied to me. I would not vote for anyone else having to do something which I myself would not do.

Mr. President, I have diverted from the remarks I had intended to deliver because a discussion arose as to the manner in which the southern people treated the colored citizens of the South. I diverted so that I might read a statement of Mr. Malcolm Ross. The statement appeared in the hearings on the national war agencies appropriation bill for 1945. It can be found beginning on page 149, and going through page 151.

I might say to the distinguished junior Senator from New York [Mr. MEAD], who has just entered the Chamber, that I am sure he would like to have me repeat that Mr. Ross stated that 90 percent of the 2,286 cases closed by the committee during the past 10 months arose in the Northeast, the Middle West, and on the west coast. The deep South originated less than 10 percent of the cases.

Mr. Ross proceeded to say:

The South is well used to Negro labor and there is seldom, as in northern cities of great Negro in-migration, any downright refusal to employ Negroes.

Again, while I differ with Mr. Ross, I wish to commend him for his honest statement concerning the situation in the South.

Mr. President, I heard the distinguished Senator from North Carolina [Mr. HOBY] refer today to the liberalism and lack of prejudice in the South, and I remind the distinguished junior Senator from New York that when that great and distinguished wearer of the brown derby, our beloved Alfred Smith, ran for office in 1928, we in South Carolina stood by him 30 to 1, and when Governor Lehman was drafted for a third term as Governor of New York, when President Roosevelt referred to him as "that right hand of mine," as a member of the South Carolina delegation to the Philadelphia convention it was my pleasure to poll the delegation, and we unanimously joined with the other States in urging Governor Lehman to offer for reelection, when at one time the distinguished Governor of New York thought perhaps he might not be a candidate for reelection.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. MAYBANK. I yield.

Mr. EASTLAND. The distinguished Senator spoke of the vote South Carolina gave Governor Smith in 1928.

Mr. MAYBANK. That is correct.

Mr. EASTLAND. Does not the Senator know that the State of Mississippi polled more votes and a larger percentage of its vote for the Democratic candidate that year than did the State of South Carolina?

Mr. MAYBANK. That is correct, although the percentage was small. But

Mississippi was so happy because her vote exceeded that of South Carolina that in the campaign following, in 1932, the lieutenant governor of South Carolina and the lieutenant governor of Mississippi made a bet of a good old Democratic mule as to which State would poll the most votes, and when the next Governor of New York, that great citizen of New York, whom we all respected and admired, was the candidate for President in 1932. South Carolina in that election polled more votes than did Mississippi by, I think, about one-half of 1 percent, and we got the mule. Then the question was how to keep and feed the mule in view of the condition in which the country found itself in 1932. But after the great leader, Roosevelt, took office, and after 1933 came, we were well able to provide for and keep the mule. I thank the Senator from Mississippi for reminding me of that.

Mr. EASTLAND. Will the Senator yield further?

Mr. MAYBANK. I yield.

Mr. EASTLAND. Because of those majorities and because of our preponderant strength in the Democratic Party, does not the Senator from South Carolina think that the Senator from South Carolina and the Senator from Mississippi are the real spokesmen for democracy in America in opposing measures such as that now before us, and that our sentiments are the sentiments of the great rank and file of the Democratic Party in this country?

Mr. MAYBANK. I certainly think that the sentiments of the Democrats of South Carolina and Mississippi are those of the rank and file of the Democratic Party, that we have always known and always looked for in and out of season—and we have been out of season most of the time, as the Senator from Mississippi knows.

Mr. MEAD. Mr. President—

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Does the Senator from South Carolina yield to the Senator from New York?

Mr. MAYBANK. I yield for a question.

Mr. MEAD. First of all I wish to commend the record of the Chairman of the FEPC which the Senator has read, and I am quite sure that the figures are correct. I wish to commend the South, too, for the very low number of infractions which have been listed.

It occurs to me from reading the record, however, and from the statement that there are so many more infractions in New York and in the other Northern States, that I should have the support of the southern Senators for the approval of the proposed legislation, so as to eliminate those infractions, and bring about the very ideal condition which the Senator says exists in his State.

Mr. MAYBANK. Mr. President, I yielded for a question, but I appreciate the statement made by the Senator from New York. I may say only this to the distinguished Senator from New York, that I will help him with respect to the enforcement of the FEPC law in this way: I will do everything I can to help elect the Democratic candidate for Gov-

ernor in New York, and let him see what he can do about the matter. At the present time there is an FEPC law in New York. Governor Dewey is now Governor of New York. It is up to him to enforce the law. Since the law is on the statute books of the State of New York I shall join my Democratic friend, and I promise him that if there is anything I can do—I can speak for no one else in the South, but speaking for myself I will say that if there is anything I can do to help enforce the law I shall do it, and the way to do it is to help elect a good Democrat as Governor of New York. There has not been a Democratic Governor of New York for some time.

Mr. MEAD. Mr. President, will the Senator again yield?

Mr. MAYBANK. I yield.

Mr. MEAD. I cannot say that I object to the optimistic prophesy to which the Senator has just given voice—

Mr. MAYBANK. I hope I am right.

Mr. MEAD. But it occurs to me that there are some interstate infractions and that the situation would be better buttressed if we had a Federal statute covering the whole country. For instance, there is a Federal statute dealing with national labor relations, and we have the national wage-and-hour law. I believe we could secure better enforcement if we have both State laws and Federal laws covering both intra and interstate situations.

Mr. MAYBANK. The Senator has asked me a question. The Senator knows, of course, that I do not believe we would thereby have better enforcement of the law, after what I have heard respecting the lack of enforcement in the State of New York.

Mr. MEAD. Will the Senator again yield?

Mr. MAYBANK. I yield.

Mr. MEAD. From the reading of the record which the Senator has before him, I do not believe it is charged that there are more infractions in the State of New York than in any other State.

Mr. MAYBANK. I did not say New York. I spoke of the North. I read from the statement read by Mr. Ross. I will read it again.

Mr. MEAD. I understood the Senator to make the statement.

Mr. MAYBANK. No; the statement was made by Mr. Ross, head of the FEPC. He said:

The experience of my committee indicates a heavy concentration of discrimination in the great war-production centers of the Northeast, Middle West, and the west coast.

I may say to the Senator from New York that Mr. Ross said that most of the trouble existed in Chicago, Los Angeles, Pittsburgh, Detroit, and Philadelphia.

Mr. MEAD. I think New York is doing a fairly good job, and I believe that as the Senator has read the record which shows the condition existing from coast to coast it would lead anyone to believe that a Federal statute would be very helpful.

Mr. MAYBANK. No; I cannot agree with the Senator in that statement. A Federal statute would not be very helpful because in the first place it could not be enforced. As a matter of fact, Mr. President, there would be no possible chance

to pass such legislation, so there is no use to discuss what might happen if it were passed.

Mr. MEAD. Mr. President, will the Senator yield for another question?

Mr. MAYBANK. Yes.

Mr. MEAD. The Senator's commendation of the distinguished former Governors of New York is, of course, very pleasing to me.

Mr. MAYBANK. Yes. They were good Democrats.

Mr. MEAD. Yes; and does not the Senator believe he ought to follow their example? They were in favor of legislation of this kind. And if they were the great statesmen the Senator believes they were, and my distinguished colleague, the Senator from Mississippi [Mr. EASTLAND] admits they were, does not the Senator think we should follow their example and favor this legislation?

Mr. MAYBANK. I do not know that any of them testified before the Senate committees.

Mr. MEAD. No; they did not, but the Senator knows that President Roosevelt was in favor of such legislation.

Mr. MAYBANK. President Roosevelt created the committee by an Executive order. He did that, acting under his war powers. We remember with deep regret that our former great Commander in Chief and leader went to the Great Beyond before the war ended. I do not think anyone would suggest for a moment what President Roosevelt would have done, had he lived, after the war was over. But President Roosevelt, as the Senator from New York has stated, requested Congress to enact legislation dealing with the FEPC as a war measure, and also requested legislation to deal with the pools of unemployed individuals. I do not believe anyone can say what President Roosevelt might or might not have done, had he lived, after the war ended.

Mr. MEAD. I think we can assume that President Roosevelt favored this legislation, when we know that he ran on a platform which recommended it, and when we know that in the first instance he created the FEPC and while President insisted upon the functioning of the Committee. Therefore we might logically assume that he would favor this legislation.

Mr. MAYBANK. Had President Roosevelt lived he might have favored this legislation and he might not have. I do not know. I feel certain that the distinguished Senator from New York has at times not gone along with the late President on legislation which he favored, and I certainly have not gone along with him on legislation to which I objected.

Mr. MEAD. The Senator, however, cited him as a witness in this case.

Mr. MAYBANK. I never cited him as a witness in respect to the FEPC.

Mr. MEAD. But the Senator alluded to him as a great leader.

Mr. MAYBANK. Not in respect to the FEPC.

Mr. CHAVEZ. Mr. President, will the Senator yield to me for half a minute?

Mr. MAYBANK. Yes.

Mr. CHAVEZ. Did not the late President of the United States, President

Roosevelt, on the 29th of October 1944, in a speech at Chicago make the following statement:

Three years ago, back in 1941, I appointed a Fair Employment Practice Committee to prevent discrimination in war industry and Government employment. The work of that Committee and the results obtained more than justify its creation.

I believe the Congress of the United States should by law make the Committee permanent.

Mr. MAYBANK. President Roosevelt said he believed it should be made permanent during the war. I stated that during the war the President sent messages to the Appropriations Committee. In the speech in Chicago he said he believed in the FEPC. The Senator from New York asked about the Democratic platform. I do not have the Democratic platform before me, but to the best of my knowledge it contained no mention of the Fair Employment Practice Committee which would in any sense compare with what is provided in this bill.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. RUSSELL. I suggest that the question raised is not at all pertinent as to whether a man is in favor of extending the Fair Employment Practice Committee, such as we have at the present time, created by Executive order, with authority to deal with contracts entered into with the Government and with Government agencies, as compared with a bill of this kind, which undertakes to reach down into every little business, into every little farm, every little plant, every little facility that is owned or operated by an individual in this country. There is certainly a tremendous difference between a committee such as exists at the present time, which handles employment in the Federal Government and polices those who have contracts with the Federal Government, a condition that is entered into willingly by the contracting parties, and a vast catch-all bill of this kind which invades the rights of private property of every individual in this country, whether he would have it done or not. May I ask the Senator if he does not see that there is a great difference between the proposal which dealt with the employment of American citizens, and the pending proposal, which seeks to create a gigantic employment bureau to find positions for aliens who are in this country to the detriment of American citizens who may be seeking work?

Mr. MAYBANK. I will answer the Senator that I do. Not only that, but the bill would create a vast investigation bureau. I may say to the Senator, and if he does not agree with me I trust he will say so, that as I construe the bill it applies to the farmers of the country as well.

Mr. RUSSELL. Of course it applies to the farmers, and, as I stated, there is no more comparison between the powers which were sought to be vested in the FEPC created by Executive order and the agency which is sought to be created by the pending legislation than there is between a rat and an elephant, the existing committee being the rat, and the body proposed to be set up being the elephant which would trample down the

last private rights of business in this country.

Mr. MAYBANK. The Senator is quite correct. The Senator said the bill applies to any farmer who employs six or more individuals. Does not the Senator agree further that it not only applies to the farmer who employs six or more, but it also applies to what we term in the South a one-horse farm, which produces cotton which must be ginned, or to a man who raises peaches which he must send to the cannery, since both canneries and cotton gins would be affected? Therefore in my judgment it would apply to everything produced on the farm, whether produced on a one-horse farm or on a plantation employing 200 persons.

Mr. RUSSELL. A farmer could not put more than five individuals in his field to pick cotton at any one time without subjecting himself to the provisions of the bill. The advocates of the measure ought to be fair enough to make that situation perfectly clear and plain. There is no comparison to be made between the existing FEPC and the agency sought to be established under this bill. I alluded to that subject somewhat in detail yesterday and shall, before I conclude my further discussion, say more on the subject. There has been a deliberate effort in this country to create in the public mind the idea that this bill, if enacted, would merely be a statute to continue the Committee appointed under Executive order. There never was a more misleading or distasteful campaign carried on.

Mr. MAYBANK. I thank the distinguished Senator from Georgia for his statement. I wonder what he thinks would happen under this bill to a church choir which was composed of more than five members.

Mr. RUSSELL. Certainly, if the choir sang over the radio it would be affected by the provisions of this measure. That would put the church choir into interstate commerce.

Mr. EASTLAND. Mr. President, will the distinguished Senator from South Carolina yield for a question?

Mr. MAYBANK. I yield to the Senator from Mississippi.

Mr. EASTLAND. I invite the Senator's attention to the Magna Carta. As the Senator knows, the Magna Carta is the fundamental law from which our system of jurisprudence springs; and it and the Constitution of the United States are the great safeguards to human liberty in the Anglo-Saxon world. I read to the Senator section 38 of the Magna Carta:

38. No bailiff, for the future, shall put any man to his law, upon his own simple affirmation, without credible witnesses produced for that purpose.

I ask the Senator, Does not this bill violate that provision, that safeguard of liberty, when it authorizes the agents of the proposed commission to cite and try a defendant without confronting him with credible witnesses? Furthermore, under the provisions of the bill the testimony of credible witnesses is not required before a man can be cited as a violator of the act.

Mr. MAYBANK. I thoroughly agree with the Senator. The Senator is correct.

Mr. EASTLAND. It violates the very elemental safeguards of liberty.

Mr. MAYBANK. The Senator is correct.

Mr. EASTLAND. I invite the Senator's attention to section 39 of the Magna Carta:

39. No freeman shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers.

I ask the Senator, Does not the bill violate that provision of the Magna Carta when it condemns an American citizen to prison without a judgment of his peers?

Mr. MAYBANK. It does.

Mr. EASTLAND. Furthermore, it denies him the right of trial by jury.

Mr. MAYBANK. It not only subjects him to a prison sentence without a judgment of his peers, but he may be forced to go to a distant territory to be tried by the FEPC, acting as judge, jury, and prosecuting attorney.

Mr. EASTLAND. In cases in which the Commission has jurisdiction, what safeguard is left to the American citizen?

Mr. MAYBANK. I know of none.

Mr. EASTLAND. What protection is thrown around his right as a freeman?

Mr. MAYBANK. Only under certain conditions may the courts intervene. As the Senator previously brought out, the courts may not interfere on a question of fact.

Mr. EASTLAND. The courts cannot render judgment on the facts. The United States courts are shackled in order further to deprive the defendant of his liberties as a free American citizen.

Mr. MAYBANK. Mr. President, a moment ago I stated that this was not employment legislation, promotion legislation, or dismissal legislation. I should like to invite the attention of the Senator from Georgia for a moment to a statement by Mr. Ross. The bill requires that the present employees of the Committee on Fair Employment Practice be transferred to the new Commission, and that the new Commission, with the employees of the present Committee, shall enforce the law. Therefore what we are to expect from the FEPC in 1947, if there is to be an FEPC, must be judged by what it did in 1945 and 1946.

On page 162 of the hearings is to be found a statement by Mr. Ross. There was a strike in Maryland, which I mentioned last night. Under the present Executive order, and under the provisions of the bill, the investigatory powers of the FEPC are unlimited. The FEPC became involved in the strike, as it would become involved in everybody's business if the bill were enacted. Mr. Ross made a very frank statement. That is one reason why I say that this is a pure and simple segregation bill, a bill by which it is intended by some of those who are supporting it to do away with segregation. Mr. Ross made the following statement:

Where segregation may result in discriminatory terms and conditions, we feel that we

have a duty to examine to see whether that actually is the case.

So, Mr. President, should this bill become law the FEPC would investigate every complaint brought to it regarding segregation. As to what finding or ruling it might make, no one knows, but from that clear statement on the part of Mr. Ross before the Committee on Appropriations I can see his future trend of thought. That was what first attracted my attention to the unfairness and injustice of the bill, and caused me to be so bitterly opposed to any type of FEPC law.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. EASTLAND. I invite the distinguished Senator's attention to section 45 of the Magna Carta:

45. We will not make justiciaries, constables, sheriffs, or bailiffs, excepting of such as know the laws of the land, and are well disposed to observe them.

I ask the distinguished Senator if that provision of the Magna Carta, which, as the Senator knows, is nothing but an essential guarantee of liberty, is not violated by this bill, and that the requirement to know the law and observe it is not made of the employees of the agency which is proposed to be established.

Mr. MAYBANK. That is my interpretation of the bill.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. RUSSELL. I am sorry that the Senator from Mississippi has so abused the idea embodied in this bill as to mention the Magna Carta on this floor. It is a very significant thing that I read in the newspaper, the day the bill was brought up, that the Magna Carta was being returned to England. I can well understand why the Magna Carta was on its way out of this country on the day when there was taken up by the Senate a bill abolishing the right of trial by jury for those charged with offenses, abolishing the right to be confronted by witnesses against them, and instituting a perambulatory star-chamber session which can move anywhere in the country and try the defendant a thousand miles from the vicinage, as we have always understood it under Anglo-Saxon law. Undoubtedly the British thought that the Magna Carta would be burned by those who would vote for such a bill, and they got it out of the country before the bill could be passed.

Mr. EASTLAND. I agree with the distinguished Senator. Furthermore, the accused does not have to be proven guilty beyond a reasonable doubt before he is imprisoned.

Mr. RUSSELL. Not even by a preponderance of the evidence. There is no rule of evidence and no rule of law. It is a star-chamber inquisition.

Mr. EASTLAND. The accused may be convicted by incompetent testimony.

Mr. RUSSELL. It is a star-chamber inquisition to place employers in jail. So it is well that the Magna Carta was moved out of the United States on the day when the Senate was asked to adopt a measure which would strike down every

fundamental right which our forebears have undertaken to preserve, defend, and enrich since those elementary and fundamental rights of the individual were wrung from King John on the Plains of Runnymede.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. EASTLAND. Mr. President, a school of thought has grown up in this country which expresses the ideals of the people of southern and eastern Europe. For 50 years that school of thought has grown as immigrants have come to this country, and from it there has been a concerted attempt to destroy our Anglo-Saxon system of jurisprudence, of justice, and of liberty, a school of thought which reaches the high point in this bill, which is part of a campaign to destroy the America which we have loved, and which thousands of men have laid down their lives to create and preserve.

Mr. MAYBANK. I thoroughly agree with the Senator that the purpose of the bill is to destroy not only the law but everything else that is worth while.

Mr. EASTLAND. The bill would rape the Magna Carta itself.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. CHAVEZ. Does not the Senator from South Carolina also know that there is another school of thought which would destroy the spirit of 1776, for which the fathers of the country fought? We talk about sending the Magna Carta back to England. There is a school of thought which would like to send the country back to England.

Mr. MAYBANK. I should not be surprised; but I believe that advocates of such a course are few and far between.

Mr. EASTLAND. That school of thought is not expressed by those who are here defending the Constitution of the United States and opposing passage of the bill.

Mr. MAYBANK. It is certainly not expressed by me.

Mr. President, I regret to decline to yield further until I have finished the remainder of my statement. After I shall have concluded I shall have nothing further to say at this time.

Mr. President, it has been rather difficult for me to present my statement in an orderly way because much of what I had prepared has been stated in answer to questions which have been propounded during the course of my remarks, and much of what I had prepared has also been stated by other Senators in connection with the questions they have asked me. However, I shall read the remainder of my prepared remarks, and then shall conclude with some further remarks.

Before the questions were asked me I was speaking of section 3, subsection (b), which relates to the employment practices of labor unions. Paragraph (1) denies the right of labor unions to determine their membership. Paragraph (2) deals with expulsion. Paragraph (3) deals with discrimination against any employer or employee by labor unions.

In considering the employment of individuals referred to in section 3, we find that section 2 states that it shall apply to the United States and shall not be abridged by any State or by any instrumentality or creature of the United States or any State. Under these provisions the school districts, for instance, could be called upon to employ white teachers in a colored school or colored teachers in white schools. No one by any stretch of the imagination could believe that either the white people or the colored people would desire such an interpretation in the South. However, it could be forced upon them by a commission composed of Government employees from other sections of the country. Then, of course, any time that anyone was discharged, it could be claimed that it was done because of race, creed, or color; likewise, any time anyone was promoted or demoted the same contention could be made, and in my judgment it would be made. That would mean pandemonium and destruction to business throughout the country. It would seriously impair employment, and in the end the owners and operators would be harassed through many procedures.

The labor unions, of course, under subsection (b) would be placed under Government agencies in control of all labor union membership, and the end result would be absolute control of the unions. When a Government agency, Mr. President, has the right to tell a labor union, provided it has more than six members, whom it may admit, whom it may not admit, what it must do, and what it may not do in connection with the admission of members and the expulsion of members, the result will be that the labor unions will be turned over to Government control. Some labor unions have in their constitutions provisions which prohibit members of certain races from joining them. I do not know what would happen to such unions. It is my opinion that in most cases where membership was denied for just reason or where expulsion was made for some just cause, in the end the individual would claim discrimination, under this measure.

Certainly those provisions as to labor unions are most discriminatory in themselves, because subsection (c) goes so far as to state that neither an employee nor a labor union may discriminate against any person because he has opposed practices forbidden by this measure. Mr. President, the bill goes further than that. It would apply, of course, to those who have six or more persons in their employ, if they are engaged in interstate or foreign commerce or in operations affecting such commerce. That naturally would include everyone who employed six or more persons—for instance, the operator of a cotton gin ginning cotton to be shipped from one State to another, or a farmer operating a small peach orchard from which peaches might be shipped from one State to another. In my judgment it would include every industry and practically every farmer and every religious organization in the United States. It would affect the cotton gins; it would affect the operations of small steamship lines. Practically all businesses would be

subject to whatever orders the Commission might issue.

There would be an exception, however, in the case of orders issued against any department or independent agency of the United States, but that would be corrected in a most unusual manner: That is, the President of the United States would be petitioned and it would be his duty, by order of the Commission, to take such measures as might secure obedience to any such order that the Commission itself might issue. Following that process to its logical conclusion, it appears that the Commission intends to make the President one of its employees.

Mr. President, in that connection I may say that it would be most unusual to provide that the Commission should have the right to petition the President of the United States, on an order issued against any department or independent agency of the United States Government, to force such agency or department of Government to hire whom the Commission might suggest, on the theory that the agency had violated the FEPC law. With all that the President of the United States has to do, with his manifold duties, and with all the important matters which are before this country and all the important matters which are before the world in this hour of, I may say, world crisis insofar as future peace and atomic power is concerned, I think that to put the President into such a position as that would be uncalled for, unheard of, and that the very proposal is simply an example of the unnecessary and preposterous lengths to which the bill goes.

Mr. President, the prohibitions and procedures to be followed by those charged with alleged unfair practices have been ably discussed on the floor of the Senate for the past 2 days. Section 11, on page 9, referring to the investigatory powers of the Commission, should be read to the Senate, I believe, in order that there may be no misunderstanding of it. At one time I thought that, for the sake of the record it would be best to read the entire bill to the Senate. However, I believe that at this time it will be sufficient to read section 11. I shall read section 11 because it goes into the matter of the powers of investigation which would be granted the Commission.

Mr. President, during the past several years there have been numerous investigations. Each year we seem to have more investigations than we had the year before. In fact, sometimes I think perhaps we have too much investigating and not enough legislating. But the investigating which has been done by this body has naturally led to investigations by governmental bureaus and agencies. The greatest example of an investigating organization has been the OPA. It has investigated everyone's books, it has investigated everyone's place of abode; it has investigated everything it could possibly investigate. It has harassed many businesses and industries. It has harassed many American workers. It has gained but little by its investigations. Mr. President, the OPA will not be here forever. The President of the United States has already issued orders limiting

its power over certain commodities and certain things. As time goes on and conditions become more normal, I presume the OPA will pass out of the picture. But if enacted, this bill will become permanent legislation. So, with such enormous powers as are given under section 11 of the bill, I can see no hope for the American businessman, for American industry, for labor unions, and for the citizens of this country.

Mr. President, I will read section 11 of the bill.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. EASTLAND. Before the Senator continues further, I wish to propound to him a question. The pending amendment is to amend the Journal of the proceedings of the Senate of January 17, 1946, so as to show the names of all Senators who did not answer "present" to the first quorum call. I ask the distinguished Senator what are his ideas with reference to the necessity of incorporating in the Journal the names of absent Senators, whether he favors such an amendment? I do not mind stating frankly that I believe that by all means the Journal should show a full and complete statement with reference to the Members of the Senate who are present and those who are absent. I think we should go further. If an absent Senator is out of the city, the Journal should so state. If an absent Senator is somewhere on the west coast, the Journal should so state. If the absent Senator is somewhere abroad, the Journal should so state. If he is somewhere in the East, or at some other place, the Journal should show it, and on what business he is absent from the Senate.

I ask the distinguished Senator if he realizes that, after all, we are merely servants of the American people, and that the people whom we serve, the people for whom we work, and the people for whom we legislate, should know by all means where we are and what we are doing. As the distinguished Senator knows, Senators all live in a glass bowl. Information with reference to our actions is public property. By adopting the amendment to the Journal proposed by the Senator from North Carolina [Mr. HOBY] we will merely keep faith with the American people and with our constituents who sent us here.

Mr. MAYBANK. Mr. President, I thoroughly agree with the Senator from Mississippi that the Journal should be amended in the form which he has suggested. As I have often said, when persons have asked me about the Journal, I have replied that I thought it, together with the CONGRESSIONAL RECORD, was the greatest organ of free speech in all the world. I have stated that I thought everything that takes place in the Senate should be set forth in the RECORD and in the Journal. I am well aware of the fact that there are many great newspapers in this country which editorially may be on one side of a question or on the other. That is their right. Under our Constitution and our concept of freedom of speech, newspapers have a right to express themselves on one side or the other

of any question. But in this Chamber we have both sides—Republican and Democrat.

Mr. EASTLAND. We have the right side.

Mr. MAYBANK. Yes; we have the right side and the left side.

Mr. EASTLAND. And the top side and the bottom side.

Mr. MAYBANK. That is correct.

Moreover, Mr. President, in the Appendix of the RECORD there are set forth many able editorials which have been written by distinguished American writers throughout the land, as well as many radio addresses which have been delivered by various persons.

Mr. President, I feel so strongly on the subject which we are discussing that I have prepared an amendment which I know will affect the Senator from Mississippi. I will submit the amendment at the proper time. The amendment provides that the Journal Clerk be directed to amend the Journal of Thursday, January 17, 1946, so as to show who signed the annual report of the Tennessee Valley Authority which was submitted to the Senate. I think that inasmuch as the report which was submitted contained a great mass of information, the names of the persons who signed it should be printed in the RECORD and in the Journal.

Mr. EASTLAND. Does not the distinguished Senator believe that under the pending amendment the names of absent Senators should by all means be included in the Journal, so that the Journal will set forth completely all the proceedings which took place in the Senate on the day referred to?

Mr. MAYBANK. Yes.

Mr. EASTLAND. Every person in the country should be in position to know what Senators were absent, and the reason for their absence.

Mr. MAYBANK. In the years to come it will be very important to know what Senators were present and who were absent, and why they were absent on the day this un-American and unjustifiable pending bill was brought up.

Mr. EASTLAND. Last summer the distinguished Senator and I made a trip to Europe. Does not the Senator want his grandchildren to know that he was selected by a committee of the United States Senate to go to the European Continent and, at first hand, observe conditions there so that he could better legislate in the people's interest?

Mr. MAYBANK. Mr. President, I appreciate the thoughts of the Senator from Mississippi. The Journal should be full and complete, and the absence of Senators should be noted. A notation should be made of the names of the Senators who are absent, as well as the reason for their absence.

Mr. EASTLAND. Mr. President, I should like to read some amendments to the Journal which I shall offer at a later date, and I should like to know the attitude which the distinguished Senator from South Carolina will take with regard to the amendments when they are made the subject of debate.

Mr. MAYBANK. Mr. President, I do not wish to yield further, but I will allow

the Senator from Mississippi to ask a question.

Mr. EASTLAND. I wish to ascertain the Senator's position. I wish to know whether he is in favor of or opposed to the amendments. His position in that regard might largely determine whether I will offer them at a later date.

Mr. MAYBANK. I thank the Senator for his confidence in me, but before the Senator proceeds—

Mr. EASTLAND. I should like to know what the Senator's position will be.

The first amendment is to amend the last line of the item "Judgments rendered by Court of Claims" as it appears on page 4 of the Journal, by striking out "Committee on Appropriations" and inserting in lieu thereof, "Committee on Claims."

Does not the distinguished Senator believe that the Committee on Claims of the United States Senate should by all means have the Journal appear in that form so that it will be able to consider and act on this very important subject?

Mr. MAYBANK. Mr. President, I agree with the Senator from Mississippi. I believe that the Committee on Claims should have that record, and the Journal should be so amended, because such legislation must, of course, originate with the Committee on Claims. Appropriations must originate with the Appropriations Committee, but the Appropriations Committee cannot recommend an appropriation of money to pay a claim until the Committee on Claims has approved the claim.

Mr. EASTLAND. What is the position of the distinguished Senator from South Carolina with regard to the Finance Committee? I should like to know what his position will be on the following amendment. I will move to amend the last line of the item "Judgments rendered by Court of Claims" on page 4 of the Journal, by striking out "Committee on Appropriations" and inserting in lieu thereof "Committee on Finance."

Does not the Senator believe that the Finance Committee of the Senate should, so far as this body is concerned, chart the entire financial program of the American Government, and that it should be informed with reference to the judgments of the Court of Claims, and how much Government money is to be spent in that connection? Should not the committee have a right to such information in order to devise an adequate revenue program for the financing of this great Government?

Mr. MAYBANK. I thoroughly agree with the Senator that the Finance Committee should be in possession of all information concerning finances or money, particularly when the Court of Claims renders what are in some cases small verdicts and what are in other cases large verdicts. After all, it is necessary that tax legislation be enacted before money can be raised through taxation to pay the expenses of government.

Mr. EASTLAND. Does not the distinguished Senator believe that the Judiciary Committee should also have that information, and that the Journal should be so prepared that any person may see

if the Court of Claims acted in its proper capacity, and if its judgments were made according to law?

Mr. MAYBANK. The Senator is correct.

Mr. EASTLAND. I have before me another amendment with reference to which I should like to have the distinguished Senator from South Carolina express his judgment. I may state that, inasmuch as the Senator has agreed with regard to the other amendments, which I have stated, I shall offer them at the proper time. On page 7, item 2, under the title "Reductions in naval shipbuilding construction," the Journal item should be amended by referring correspondence referred to in the item to the Committee on Appropriations instead of to the Committee on Naval Affairs. Does not the Senator think that the Committee on Appropriations, of which the distinguished Senator is a very diligent member, should have that information?

Mr. MAYBANK. On this particular point, the Senator has brought up a question which is very dear to my heart. There have been certain cut-backs by the Navy in the construction of ships, cut-backs occasioned by the Office of War Mobilization and Reconversion, presided over by Mr. Snyder. They were cut-backs in some instances where construction has been ordered stopped, I am advised, on some 37 vessels, from battleships to submarines. In that list, I am advised, in some instances ships are included which are from 66 to 88 percent completed. I wrote and talked to Mr. Snyder, who, as we know, is doing a very good job, urging him that in any instance where a ship had been more than 50 percent completed its completion should be permitted.

I might say that Representative VINSON, chairman of the House Committee on Naval Affairs, has held hearings on the proposed discontinuance of the completion of the ships. The result of those hearings I have not heard yet, because I have been busy today, as the Senator well knows; but I think that where a ship has been more than 50 percent completed its construction should not be abandoned, and I think the Committee on Appropriations, which passes on appropriations, should look into that question.

Mr. EASTLAND. Will the distinguished Senator join me in speaking at length on the adoption of that amendment?

Mr. MAYBANK. I certainly shall, and I think the Senator will find aid from everyone interested in the Navy, interested in the defense of this country, and interested in steps which are worth while in preserving peace on earth in the years to come, and in strengthening the hand of the State Department, which is now in the process of negotiating agreements for control of atomic energy, and on many other important questions which are before the Secretary of State and other officials of the UNO.

Mr. EASTLAND. These are very urgent and important matters. I should like to know the position of the Senator on the following amendment: On page

7, item 2, under the title "Flight pay of certain officers of the Navy," to refer the information and accompanying papers to the Committee on Naval Affairs, instead of the Committee on Appropriations. The Senator and I might have a controversy about that amendment, as he is a member of the Committee on Appropriations.

Mr. MAYBANK. No; we would have no controversy on that. I think that while it is necessary, of course, to appropriate the additional money for the pay of flight officers, proper jurisdiction of that matter is in the Committee on Naval Affairs. Naval officers' confirmation, naval officers' promotions, are all handled by the Committee on Naval Affairs, and confirmed by the Senate, and I should be in thorough agreement with the Senator from Mississippi that the Journal should be so amended.

Mr. EASTLAND. I thank the distinguished Senator from South Carolina for his magnificent gesture of friendship, and I shall offer the amendment in due time.

I should like to have the distinguished Senator, if I am not bothering him, state his position on the following amendment: On page 7, item 3, to strike out the words "Committee on Naval Affairs" in the last line of the item and substitute the words "Committee on Public Lands and Surveys."

Mr. CHAVEZ. Mr. President, will the Senator from South Carolina yield?

Mr. MAYBANK. I yield.

Mr. CHAVEZ. I say to the Senator that I shall accept the amendment when he offers it.

Mr. EASTLAND. I could not conceive how the distinguished Senator from New Mexico could accept an amendment to the Journal. That is a matter which only the American Senate can accept. The Senator is one of 96 Senators—

Mr. MAYBANK. As one Member of this body, I certainly should desire to be heard, particularly on the naval affairs amendment. I might say to the Senator from Mississippi that I have this amendment which I expect to offer and to speak on for a long time. On page 6, item 3, under the title "Enlistments and reenlistments in the Regular Army," amend by referring it to the Committee on Appropriations, instead of the Committee on Military Affairs.

We have to raise the money for our Army after July 1, and it is perfectly appropriate, in my belief, that the Committee on Appropriations look fully into the situation regarding enlistments in the Army, so that we can arrange, either through voluntary enlistments or by increase in pay to men desiring to volunteer, to permit those who have been in the Army 2 years to be returned home, and to permit those who are married, with children and other dependents, also to be returned home, and to be honorably discharged if they so desire.

It is the duty of the Congress to appropriate a sufficient amount of money to care for an army sufficiently large to insure peace, to uphold the hands of the President and the Secretary of State, and at the same time, if humanly possible, allow it to be purely voluntary. I expect

to speak for some time on this amendment.

Mr. EASTLAND. Mr. President, I shall stand by the distinguished Senator at Thermopylae in the adoption of this amendment.

I should like to ask the distinguished Senator another question. Do not these amendments, which are very few of the literally hundreds which must be adopted, show that the Journal of this body is in terrible shape, and that by all means it must be straightened out, that we must adopt a system which will show an adequate picture of what has happened in the Senate, and that the matter is so important that it must be determined before any major legislation can be considered?

Mr. MAYBANK. I think the amendment which was offered by the distinguished Senator from Louisiana [Mr. OVERTON] has brought to light what should be done with the Journal. I might say it has opened my eyes, and has given me a view into a situation which I think we could improve. To that I agree.

Mr. EASTLAND. The holy prayer was not even included in the Journal.

Mr. MAYBANK. I did not know that before the Senator from Louisiana [Mr. OVERTON] revealed it.

Mr. CHAVEZ. The Senate certainly needs prayer.

Mr. EASTLAND. When I look at Senate bill 101, Mr. President, I agree entirely and concur fully with the distinguished Senator from New Mexico.

Mr. MAYBANK. Mr. President, it was my desire to read section 11 (a) of the bill, found on page 9. It is as follows:

For the purpose of all hearings and investigations which in the opinion of the Commission are necessary and proper for the exercise of the powers vested in it by this act, the Commission, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question.

In other words, Mr. President, they can investigate any evidence of any person which relates to any matter under investigation. Section 11 (a) proceeds, on page 10:

Any member of the Commission shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Commission, its member, agent, or agency conducting the hearing or investigation.

Mr. President, that means any one of the members of the Commission. It does not say the Commission must have a meeting and by a majority determine who is to be sent for. It says:

Any member of the Commission shall have the power to issue subpoenas and require the attendance and testimony of witnesses and the production of evidence that relates to any matter under investigation or in question—

Regardless of what the matter is—before the Commission, its member, agent, or agency conducting the hearing or investigation. Any member of the Commission,

or any agent or agency designated by the Commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

In other words, as stated before, it may be required from any place in the United States, or any Territory, or any possession, whether it be Alaska, Puerto Rico, or any other.

Paragraph (b) reads:

In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Mr. President, it appears to me that the prohibitions, as well as the procedures in the case of those allegedly charged with unfair practices, have been ably discussed, as I stated some time ago. I have read section 11, which deals with investigatory powers. Let me state that the vast powers which would be given the Commission would permit them to be both the prosecutor, the judge, and the jury. Second, it would give them the right to make their own laws and rules and would give them vast powers over all business, labor unions, and individuals, by the power of investigation. I mention here that following the section I have just read in section 12, headed "Rules and regulations." I shall take the time of the Senate to read only the first few lines, as follows:

The Commission shall have authority from time to time to make, amend, and rescind such regulations as may be necessary to carry out the provisions of this act.

Further on the bill provides for the performance of certain duties when Congress is in recess or adjournment.

The vast powers which will be given the Commission will permit it to make its own laws and rules, and give it vast powers over all business, labor unions, and individuals by way of investigation.

The bill provides heavy fines and imprisonment for violation of its provisions.

As I stated earlier today, the power to tax is the power to destroy, and if the Congress should pass S. 101, and if we should continue the laws respecting investigation, then in my humble judgment, as one Member of the Senate, the power thus given to investigate will be the power to destroy. Certainly the power contained in this bill to investigate will tend to destroy all free enterprise and individual rights in America.

I am opposed to the bill because it is not a fair employment practices bill. Furthermore, I cannot see wherein it can do any good. It is my judgment that it would bring about race disturbances and unrest and would create unemployment. As a matter of fact, the bill is not a fair employment practice bill, but, as I stated earlier, is a segregation bill. Testifying before the Appropriations Committee in 1945, Mr. Ross stated, as appears on page 162 of the hearings, as follows—and I read that language again:

Mr. Ross. Where segregation may result in discriminatory terms and conditions, we feel that we have a duty to examine to see whether that actually is the case.

Let there be no mistake about this, Mr. President. I trust every Senator will read it in the CONGRESSIONAL RECORD tomorrow morning. Mr. Ross says "We feel," that is that the Commission feels that it has a duty to examine and to determine whether segregation exists by reason of laws of cities, of States, of political subdivisions. From the statement made by Mr. Ross it can be clearly stated that the bill goes much further than employment. It goes much further than promotion. It goes much further than demotion, and goes much further than discharges. It goes to the question of whether there is segregation; it is a bill to determine whether segregation exists, not an employment measure.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. MAYBANK. I yield.

Mr. EASTLAND. I should like to go back to the pending business before the Senate, the important amendment now pending. The Journal for January 17 shows that 66 Senators were present and that 30 Senators were absent. It shows that the Senator from North Carolina [Mr. BAILEY] and the Senator from Alabama [Mr. BANKHEAD] were absent. Does not the distinguished Senator think that by all means the Journal should show the reason for the absence of the distinguished Senator from North Carolina, which absence I understand was due to illness?

Mr. MAYBANK. I agree with the Senator.

Mr. EASTLAND. And does not the distinguished Senator think that the Journal should by all means show the absence, by naming him, of the distinguished senior Senator from Alabama [Mr. BANKHEAD], and also show that at the time the roll was called he had been called to attend an agricultural meeting in the city of Washington, there ably to represent the farmers of this country in promulgating the 1946 agricultural program? Does not the Senator think that

the people of Alabama have a right to know, from the official records of this body, that the distinguished senior Senator from Alabama, although not in the Senate at that particular time, was ably protecting their interests and their economic welfare?

Mr. MAYBANK. I certainly agree with the Senator. I think the Journal should be so amended.

Mr. EASTLAND. The distinguished junior Senator from Nevada [Mr. CARVILLE] was absent. Does not the distinguished Senator think that the Journal should show the absence of the distinguished Senator from Nevada, who was absent in the State of Nevada on important public business, and although not in the city of Washington, and although not in the Senate Chamber at the time of the roll call, was ably representing his constituents and was protecting their interests in the State of Nevada?

Mr. MAYBANK. Mr. President, I thoroughly agree with the Senator from Mississippi, and I believe that most Senators will agree that the Journal should be thus amended.

Mr. EASTLAND. Does not the distinguished Senator think that by all means the Journal should show that the distinguished senior Senator from Texas [Mr. CONNALLY] was in the city of London as a representative of the United States at the United Nations Conference now being held there, and was ably representing the entire American people in setting up this great world organization to promote permanent peace and prosperity upon which rest the hopes and desires of the people of this country?

Mr. MAYBANK. The Senator is eminently correct. It should also be made to appear in the Journal that there was in progress a meeting of the committee dealing with the atomic bomb, and that there were various committee meetings and subcommittee meetings being held at the time, according to the New York Times.

Mr. EASTLAND. Does not the distinguished Senator realize that civilization itself, and that our very lives depend upon the proper solution of the problems dealing with the atomic bomb?

Mr. MAYBANK. Yes.

Mr. EASTLAND. And the distinguished senior Senator from Texas was ably endeavoring to solve that most important question at the meeting he was attending in London.

Will the Senator yield for another question?

Mr. MAYBANK. I yield to the distinguished Senator from Mississippi for a question.

Mr. EASTLAND. Does not the distinguished Senator think that the Journal should show that the distinguished and able and revered senior Senator from Virginia [Mr. GLASS] was not able to be present in the Senate on the day in question, because of illness?

Mr. MAYBANK. I thoroughly agree with the Senator, Mr. President. The distinguished senior Senator from Virginia has for many years been a leader of the Democratic Party in his State.

Mr. EASTLAND. Does not the Senator believe that the constituency of this

great American and great statesman, who was ill, should know the reason for his absence on that day?

Mr. MAYBANK. I agree with the Senator.

RETIREMENT OF CERTAIN CIVIL-SERVICE EMPLOYEES—RESOLUTION OF RHODE ISLAND GENERAL ASSEMBLY

Mr. GREEN. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield to the Senator from Rhode Island.

Mr. GREEN. I desire to present for the RECORD a resolution adopted by the General Assembly of the State of Rhode Island.

Mr. MAYBANK. If it may be understood that I yield without losing the floor, I am glad to yield.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The resolution presented by Mr. GREEN was referred to the Committee on Civil Service, and under the rule, ordered to be printed in the RECORD, as follows:

Joint resolution urging the Senators and Representatives from Rhode Island in the Congress of the United States to use every effort to have enacted into law United States Senator THEODORE FRANCIS GREEN's bill providing for retirement, at full pension, of civil-service employees with 25 years' service records

Whereas United States Senator THEODORE FRANCIS GREEN has introduced a bill into the Congress of the United States providing for retirement, at full pension, of civil-service employees with 25 years' service records: Now, therefore, be it

Resolved, That the Senators and Representatives from Rhode Island in the Congress of the United States are seriously urged to use every effort to have enacted into law Senator GREEN's bill providing for such retirement, at full pension, of civil-service employees with 25 years' service records; and be it further

Resolved, That the Secretary of State be, and he hereby is, authorized and directed to transmit to the Senators and Representatives from Rhode Island in the Congress of the United States duly certified copies of this resolution.

JOURNAL OF THURSDAY, JANUARY 17, 1946

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina [Mr. HOEY] to amend the Journal of the proceedings of Thursday, January 17, 1946.

Mr. EASTLAND. Mr. President, will the Senator from South Carolina yield?

Mr. MAYBANK. I yield to the Senator from Mississippi for a question.

Mr. EASTLAND. I ask the distinguished Senator if he does not believe that the Journal should show that although the able and distinguished Senator from Connecticut [Mr. HART], former commander of the Asiatic Fleet, a great naval commander, was not present in the Chamber at that time, the interests of his people were being ably represented and protected? Does not the Senator believe that it is a very grave matter that these reasons are not incorporated in the official record of this body?

Mr. MAYBANK. I agree with the distinguished Senator, and it is my purpose to vote that that be done.

Mr. EASTLAND. Does not the distinguished Senator believe that the Journal should show that the able, lovable, and distinguished Senator from New Mexico [Mr. HATCH], although not present at that time, was on his way back to Washington, and that in his absence the welfare of his people was being ably protected and represented by our friend the distinguished junior Senator from New Mexico [Mr. CHAVEZ]?

Mr. MAYBANK. In answer to the question of the Senator from Mississippi let me say that I thoroughly agree with his statement, and I know that my colleague from New Mexico feels the same way.

Mr. EASTLAND. The distinguished junior Senator from New Mexico is the one who is causing so much controversy in this body today.

Does not the Senator believe that the Journal should show the reasons why the very able and distinguished Senator from New Jersey [Mr. HAWKES] was absent, and does he not believe that the Journal should affirmatively show that there was no dereliction of duty on his part, and that the welfare of the State of which he is one of the ambassadors in the United States Senate was being protected?

Mr. MAYBANK. The Senator is correct. I thoroughly agree, and believe that the Journal should be so amended.

Mr. EASTLAND. Does not the distinguished Senator believe that by all means the Journal should show that the distinguished junior Senator from California [Mr. KNOWLAND] was absent on official business as a member of an investigating committee in the Philippine Islands, holding hearings there on matters of great urgency and importance both to this Government and to the welfare of our people?

Mr. MAYBANK. I thoroughly agree with the Senator from Mississippi.

Mr. EASTLAND. Does not the Senator believe that it is absolutely outrageous that the Journal does not contain these facts, which are so important for future history?

Mr. MAYBANK. I thoroughly agree with the Senator from Mississippi. I may add that I have enjoyed very much reading in the newspapers about the work being done by the Senator from Delaware [Mr. TUNNELL] and the junior Senator from California [Mr. KNOWLAND]; and in view of the magnificent work which they are doing I believe that the Journal should contain the record of where they are, and why.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. CHAVEZ. Do not the Senator from South Carolina and the Senator from Mississippi believe that, inasmuch as the Journal was so badly neglected, the good Senator from Louisiana [Mr. OVERTON] must have been mistaken when he spoke so highly of the efficiency of the help of the Senate?

Mr. EASTLAND. The fault is not in the Senate personnel, but in the very system which the Senate itself has established. We are all to blame.

Mr. MAYBANK. Mr. President, there is no fault in the personnel. There is

no fault in the printing. The fault is in our being too speedy in having the Journal approved by unanimous consent.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield for a question, or for a statement, provided I do not lose the floor.

Mr. CHAVEZ. I should like to ask the Senator a question. Does not the Senator believe that inasmuch as the personnel was not at fault, the real fault lay in the fact that the Senate was considering Senate bill 101? Is not that the real trouble?

Mr. MAYBANK. No. I could not go along with my friend from New Mexico in that statement. I believe that at times we have been rather loose in approving the Journal in a hurry, and that we have sometimes been in a state of inertia.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. EASTLAND. The distinguished Senator from New Mexico has charged that a filibuster is in progress. Does not the distinguished Senator from South Carolina believe that the Journal should show that if a filibuster was in progress, our distinguished friend from New Mexico was participating therein?

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield to the Senator from New Mexico for a question.

Mr. CHAVEZ. If it is not a filibuster, what would the wise Senator from Mississippi call it?

Mr. EASTLAND. If it is a filibuster, why is my good friend participating? Have we reached the point where, when the bill is explained, our distinguished friend is filibustering against speedy passage or full consideration of his bill?

Mr. CHAVEZ. I am pleading with the good Senator that, with all due respect to the prayer, we should approve it and get down to the business of the Senate.

Mr. EASTLAND. We are through with the prayer. We have approved the prayer.

Mr. MAYBANK. We approved the prayer earlier in the day.

Mr. CHAVEZ. We have passed beyond the prayer?

Mr. MAYBANK. Yes.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield for a question.

Mr. EASTLAND. I am amazed that the distinguished Senator from New Mexico did not realize what was the pending business in the Senate. At this grave hour in our history, in these terrible times, when grave and weighty matters are before the Senate, our friend did not realize what was pending, or that we had disposed of the question on which he voted today.

Mr. MAYBANK. Mr. President, I yielded to the Senator for a question.

Mr. EASTLAND. I believe that our friend is engaging in a filibuster against the passage of his bill. Tomorrow we shall be charged in the press with filibustering, but the distinguished Senator

from New Mexico, who has talked nearly as much as any other Senator today, will not be so accused, and I protest the unfair treatment which we are receiving.

I should like to ask the distinguished Senator from South Carolina a further question. The Journal shows that the distinguished senior Senator from Washington [Mr. MAGNUSON], a very able Member of this body, was absent. Does not the Senator believe that the people of Washington are entitled to know why the Senator from Washington was absent?

Mr. MAYBANK. I thoroughly agree with the Senator.

Mr. EASTLAND. Should not the people of Washington have the information that, although not in the Senate Chamber at that time, he was ably representing them and seeing that their interests were fully protected?

Mr. MAYBANK. To that I thoroughly subscribe.

Mr. EASTLAND. The distinguished junior Senator from Washington [Mr. MITCHELL] was absent on that day. By the way, Mr. President, the distinguished Senator from South Carolina knows that we are discussing the pending business in the Senate, and matters germane to the business of the Senate at this time. But the RECORD shows that the distinguished Senator from Washington is absent.

Mr. MAYBANK. We are discussing an amendment offered earlier in the day by the distinguished Senator from North Carolina [Mr. HOBY] to have the names of absent Senators set forth in the Journal, together with the reasons for their absence.

Mr. EASTLAND. Does not the Senator believe that the Journal should show that the Senator from Washington [Mr. MITCHELL] is absent on official business of the Senate, and that his constituency is entitled to that information?

Mr. MAYBANK. The Senator is correct.

Mr. EASTLAND. Mr. President, there are many more names of absent Senators, but I shall not trespass further on the time of the Senator from South Carolina. He has made a great speech and a great contribution to the argument.

Mr. MAYBANK. I appreciate having the distinguished Senator from Mississippi ask me these questions, which are so pertinent to the legislation under consideration. I must say that I am in thorough accord with him. I hope that the names of absent Senators will be placed in the Journal, together with the reasons for their absence.

Mr. President, I have been interrupted on several occasions, and shall now conclude the speech which I was making. Because of interruptions, it will perhaps appear rather disconnected in the RECORD.

Mr. President, colored citizens in the South have made great progress, and I am certain that the law-abiding Negroes of South Carolina would not wish to have any laws enacted which would in any way interfere with the segregation of their race under present conditions.

We have our Negro playgrounds, our Negro schools, and Negro colleges. Certainly no complaint on their part has

ever come to my attention; nor am I aware of any desire on their part to have such institutions combined with others.

However, if the FEPC bill should become a law, let me state what the Commission would attempt to do. As an indication of how the Negro has been treated in the South, I read today statements by Mr. Ross showing that only 10 percent of the complaints involving unfair-employment practices came from the South, and that 90 percent came from the North, Northeast, and West. However, if this bill should become law certain agitators and would-be uplifters, people from other sections of the country who do not know or understand the colored man, would use their efforts to stir up strife and prejudice among our people, which in the end would result only in unemployment, and not fair employment. It would result in turmoil and confusion, and would set back the progress of the Negro in the South, rather than further it.

Mr. President, in conclusion, let me say that, to me, as a southern Democrat, it seems odd that the finger of scorn should always be pointed at me and at some of the others of us—not by Members of this body but by those who know nothing about our problems, and who endeavor to stir up race strife so that perhaps they may have a job or collect some money or obtain some other material benefit from their work.

That is all I have to say on this subject, Mr. President. I shall remain here during the debates on this bill; and, as a representative of the sovereign State of South Carolina, I shall use every power at my command to defeat the measure, to bring about a better feeling between the races, and to assist in the continuation of the forward march and the progress which South Carolina and the southern people generally have been making during the last generation.

Mr. CHAVEZ. Mr. President—

Mr. MAYBANK. I yield for a question.

Mr. CHAVEZ. Let me ask the Senator whether he intends to continue to speak today or whether he would prefer to continue tomorrow?

Mr. MAYBANK. Mr. President, insofar as the FEPC bill is concerned, I wish to take this opportunity to thank Senators for their generosity in listening to my remarks and for the questions they have asked me. Although the speech I had originally prepared has been rather broken up by the questions which have been asked, nevertheless, so far as I am concerned, I think I have made my position clear on the RECORD.

I intend to speak for an hour or so about the cotton situation. Several days ago I had begun to speak about the cotton situation and the OPA's ceiling prices at the time when there was an interruption, and then later the Senator from New Mexico obtained the floor, and subsequently the FEPC bill came up, with the result that at that time I was unable to complete my remarks.

Mr. CHAVEZ. Mr. President, would the Senator prefer to continue his remarks on cotton at this time, or would he prefer to begin again tomorrow?

Mr. MAYBANK. I should be glad to begin again tomorrow.

Mr. CHAVEZ. Let me ask the Senator from Maine whether he would be agreeable to having the Senate take a recess at this time?

Mr. WHITE. Mr. President, if I had a completely free choice, of course I should prefer to have the debate continue. However, under the circumstances, inasmuch as the Senator from South Carolina has been speaking for a considerable length of time and inasmuch as I see very few Senators upon the floor of the Senate, I have no desire to offer objection to having the Senate take a recess at this time, if the Senator in charge of the measure desires to make such a motion.

Mr. MAYBANK. I thank the Senator, Mr. CHAVEZ. I now move—

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore. Will the Senator from New Mexico withhold the motion until the Chair can lay before the Senate certain Executive messages?

Mr. CHAVEZ. I withhold the motion.

The PRESIDENT pro tempore. As in executive session, the Chair lays before the Senate Executive messages heretofore and this day received from the President of the United States, which will be referred to the appropriate committees.

(For nominations heretofore and this day received, see the end of Senate proceedings.)

RECESS

Mr. CHAVEZ. Under the circumstances, Mr. President, I now move that the Senate take a recess until 12 o'clock tomorrow.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until tomorrow, Thursday, January 24, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate on the dates hereinafter indicated:

Nominations received January 18, 1946

WAR DEPARTMENT

W. Stuart Symington, of Missouri, to be Assistant Secretary of War, as provided for in the act approved July 2, 1926.

NAVY DEPARTMENT

Edwin Wendell Pauley, of California, to be Under Secretary of the Navy.

RECONSTRUCTION FINANCE CORPORATION

The following-named persons to be members of the Board of Directors of the Reconstruction Finance Corporation for terms of 2 years from January 22, 1946:

George E. Allen, of the District of Columbia, to be a member of the Board of Directors of the Reconstruction Finance Corporation for a term of 2 years from January 22, 1946.

Harvey Jones Gunderson, of South Dakota, to be a member of the Board of Directors of the Reconstruction Finance Corporation for a term of 2 years from January 22, 1946. (Reappointment.)

Henry T. Bodman, of Michigan, to be a member of the Board of Directors of the Reconstruction Finance Corporation for a term of 2 years from January 22, 1946.

Charles B. Henderson, of Nevada, to be a member of the Board of Directors of the Reconstruction Finance Corporation for a term of 2 years from January 22, 1946. (Reappointment.)

Henry A. Mulligan, of New York, to be a member of the Board of Directors of the Reconstruction Finance Corporation for a term of 2 years from January 22, 1946. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE

Elmer F. Kelm, of Chanhassen, Minn., to be collector of internal revenue for the district of Minnesota, in place of Arthur D. Reynolds.

Nominations received January 21 (legislative day of January 18), 1946

DIPLOMATIC AND FOREIGN SERVICE

Vice Adm. Alan G. Kirk, United States Navy, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium and to serve concurrently and without additional compensation as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Luxembourg.

Sydney B. Redecker, of New York, now a foreign-service officer of class 2 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

Merritt N. Cootes, of Virginia, now a foreign-service officer of class 5 and a secretary in the diplomatic service, to be also a consul of the United States of America.

Edward P. Maffitt, of Missouri, now a foreign-service officer of class 5 and a secretary in the diplomatic service, to be also a consul of the United States of America.

S. Roger Tyler, Jr., of West Virginia, now a foreign-service officer of class 6 and a secretary in the diplomatic service, to be also a consul of the United States of America.

William Witman 2d, of Pennsylvania, now a foreign-service officer of class 6 and a secretary in the diplomatic service, to be also a consul of the United States of America.

The following-named persons for promotion in the foreign service of the United States of America, to be effective as of December 17, 1945:

FROM FOREIGN-SERVICE OFFICER OF CLASS 2 TO FOREIGN-SERVICE OFFICER OF CLASS 1

Merwin L. Bohan, of Texas.
George H. Butler, of Illinois.
J. Rives Childs, of Virginia.
Walter A. Foote, of Texas.
Julian F. Harrington, of Massachusetts.
Harry C. Hawkins, of Virginia.
George D. Hopper, of Kentucky.
Charles A. Livengood, of Washington.
George R. Merrell, of Missouri.
John J. Muccio, of Rhode Island.
Alfred T. Nester, of New York.
Albert F. Nufer, of New York.
Christian M. Ravndal, of Iowa.
Harold Shantz, of New York.
Edwin F. Stanton, of California.
Clifford C. Taylor, of Colorado.
John Carter Vincent, of Georgia.

FROM FOREIGN-SERVICE OFFICER OF CLASS 3 TO FOREIGN-SERVICE OFFICER OF CLASS 2

Donald F. Bigelow, of Minnesota.
Harry E. Carlson, of Illinois.
Cecil Wayne Gray, of Tennessee.
David McK. Key, of Tennessee.
Marcel E. Malige, of Idaho.
Thomas McEnelly, of New York.
Warwick Perkins, of Maryland.
Austin R. Preston, of New York.
Joseph C. Satterthwaite, of Michigan.

FROM FOREIGN-SERVICE OFFICER OF CLASS 4 TO FOREIGN-SERVICE OFFICER OF CLASS 3

Gilson G. Blake, of Maryland.
Leonard G. Dawson, of Virginia.

FROM FOREIGN-SERVICE OFFICER OF CLASS 5 TO FOREIGN-SERVICE OFFICER OF CLASS 4

George M. Abbott, of Ohio.
George D. Andrews, of Tennessee.
Robert D. Coe, of Wyoming.
Charles H. Ducoté, of Massachusetts.
Archibald E. Gray, of Pennsylvania.

Benjamin M. Hulley, of Florida.
Charles A. Hutchinson, of Minnesota.
John B. Ketcham, of New York.
George D. LaMont, of New York.
Rufus H. Lane, Jr., of Virginia.
James E. Parks, of North Carolina.
Eric C. Wendelin, of Massachusetts.

FROM FOREIGN-SERVICE OFFICER OF CLASS 6 TO FOREIGN-SERVICE OFFICER OF CLASS 5

Earl T. Crain, of Illinois.
Frederic C. Fornes, Jr., of New York.
John Peabody Palmer, of Washington.
Elim O'Shaughnessy, of New York.

FROM FOREIGN-SERVICE OFFICER OF CLASS 7 TO FOREIGN-SERVICE OFFICER OF CLASS 6

Hiram Bingham, Jr., of Connecticut.
Walter J. Linthicum, of Maryland.
Odin G. Loren, of Washington.
Reginald P. Mitchell, of Florida.
Paul H. Pearson, of Iowa.

FROM FOREIGN-SERVICE OFFICER, UNCLASSIFIED, TO FOREIGN-SERVICE OFFICER OF CLASS 8

V. Harwood Blocker, of Texas.
William H. Christensen, of South Dakota.
Clifton P. English, of Tennessee.
Thomas S. Estes, of Massachusetts.
Keeler Faus, of Georgia.
Sidney K. Lafoon, of Virginia.
Harry Clinton Reed, of Ohio.
Terry B. Sanders, Jr., of Texas.
Merlin E. Smith, of Ohio.

FEDERAL RESERVE SYSTEM

James Kimble Vardaman, Jr., of Missouri, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1946, vice John McKee.

UNITED STATES COAST GUARD

The following-named officers for temporary service in the United States Coast Guard:

TO BE COMMODORES, TO RANK AS SUCH FROM JANUARY 1, 1946

Capt. John H. Cornell
Capt. John S. Baylis

Nominations received January 22 (legislative day of January 18), 1946

UNITED STATES MARITIME COMMISSION

Richard Parkhurst, of Massachusetts, to be a member of the United States Maritime Commission for the unexpired term of 6 years from April 16, 1942, vice Vice Adm. Howard L. Vickery.

CIVIL AERONAUTICS BOARD

Clarence M. Young, of California, to be a member of the Civil Aeronautics Board for the term expiring December 31, 1946, vice Edward P. Warner.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

To be major generals

Lt. Gen. Robert Charlwood Richardson, Jr. (brigadier general, United States Army), Army of the United States.

Gen. Courtney Hicks Hodges (brigadier general, United States Army), Army of the United States.

Gen. Jacob Loucks Devers (brigadier general, United States Army), Army of the United States.

Gen. George Churchill Kenney (brigadier general, United States Army), Army of the United States.

Gen. Carl Spaatz (brigadier general, United States Army), Army of the United States.

Lt. Gen. Ira Clarence Eaker (brigadier general, United States Army), Army of the United States.

Lt. Gen. Robert Lawrence Elchelberger (brigadier general, United States Army), Army of the United States.

Gen. Thomas Troy Handy (brigadier general, United States Army), Army of the United States.

Lt. Gen. Walter Bedell Smith (brigadier general, United States Army), Army of the United States.

Gen. Mark Wayne Clark (brigadier general, United States Army), Army of the United States.

To be brigadier generals

Lt. Gen. Wilhelm Delp Styer (colonel, Corps of Engineers), Army of the United States.

Lt. Gen. Harold Lee George (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Lt. Gen. William Hood Simpson (colonel, Infantry), Army of the United States.

Lt. Gen. James Harold Doolittle (major, Air Corps Reserve), Army of the United States.

Lt. Gen. Lucian King Truscott, Jr. (lieutenant colonel, Cavalry), Army of the United States.

Lt. Gen. Richard Kerens Sutherland (colonel, Infantry), Army of the United States.

Lt. Gen. John Clifford Hodges Lee (colonel, Corps of Engineers), Army of the United States.

Lt. Gen. Leonard Townsend Gerow (colonel, Infantry), Army of the United States.

Lt. Gen. Albert Coady Wedemeyer (lieutenant colonel, Infantry), Army of the United States.

Lt. Gen. John Kenneth Cannon (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Lt. Gen. Hoyt Sanford Vandenberg (major, Air Corps; temporary lieutenant colonel, Air Corps), Army of the United States.

Lt. Gen. Oscar Wolverton Griswold (colonel, Infantry), Army of the United States.

Lt. Gen. Walton Harris Walker (colonel, Infantry), Army of the United States.

Lt. Gen. Wade Hampton Haislip (colonel, Infantry), Army of the United States.

Lt. Gen. Joseph Lawton Collins (lieutenant colonel, Infantry), Army of the United States.

Lt. Gen. Lucius DuBignon Clay (lieutenant colonel, Corps of Engineers), Army of the United States.

Lt. Gen. Alvan Cullom Gillem, Junior (colonel, Infantry), Army of the United States.

Lt. Gen. Barton Kyle Yount (colonel, Air Corps), Army of the United States.

Lt. Gen. Matthew Bunker Ridgway (lieutenant colonel, Infantry), Army of the United States.

Lt. Gen. LeRoy Lutes (lieutenant colonel, Coast Artillery Corps), Army of the United States.

Lt. Gen. John Reed Hodge (lieutenant colonel, Infantry), Army of the United States.

Lt. Gen. John Edwin Hull (lieutenant colonel, Infantry), Army of the United States.

Lt. Gen. Raymond Stallings McLain (brigadier general, National Guard of the United States), Army of the United States.

Maj. Gen. Manton Sprague Eddy (colonel, Infantry), Army of the United States.

Maj. Gen. Curtis Emerson LeMay (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Maj. Gen. Lauris Norstad (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

APPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES

To be major generals

Maj. Gen. Edward Postell King, Jr. (brigadier general, United States Army), Army of the United States.

Maj. Gen. William Fletcher Sharp (colonel, Field Artillery), Army of the United States.

Maj. Gen. George Fleming Moore (colonel, Coast Artillery Corps), Army of the United States.

Maj. Gen. George Marshall Parker, Jr. (colonel, Infantry), Army of the United States.

Maj. Gen. Albert Monmouth Jones (colonel, Infantry), Army of the United States.

Maj. Gen. Thomas Bernard Larkin (colonel, Corps of Engineers), Army of the United States, for appointment in the Regular Army of the United States as The Quartermaster General, with the rank of major general, for a period of 4 years from date of acceptance, vice Lt. Gen. Edmund Bristol Gregory.

Brig. Gen. Thomas Jefferson Davis (lieutenant colonel, Adjutant General's Department), Army of the United States, for appointment in the Regular Army of the United States as Assistant The Adjutant General, with the rank of brigadier general, for a period of 4 years from date of acceptance.

To be assistants to the Quartermaster General, with the rank of brigadier general, for a period of 4 years from date of acceptance

Brig. Gen. George Anthony Horkan (lieutenant colonel, Quartermaster Corps), Army of the United States, vice Maj. Gen. Clifford Lee Corbin.

Brig. Gen. John Brandon Franks (lieutenant colonel, Quartermaster Corps), Army of the United States, vice Brig. Gen. Joseph Edward Barzynski, United States Army, retired.

Brig. Gen. Herman Feldman (lieutenant colonel, Quartermaster Corps), Army of the United States, vice Brig. Gen. Charles Dudley Hartman, United States Army, retired.

To be brigadier generals

Brig. Gen. Clifford Bluemel (colonel, Infantry), Army of the United States.

Brig. Gen. James Roy Newman Weaver (colonel, Infantry), Army of the United States.

Brig. Gen. Maxon Spafford Lough (colonel, Infantry), Army of the United States.

Brig. Gen. William Edward Brougher (colonel, Infantry), Army of the United States.

Brig. Gen. Joseph Peter Vachon (colonel, Infantry), Army of the United States.

Brig. Gen. Carl Herndon Seals (colonel, United States Army, retired), Army of the United States.

Brig. Gen. Charles Chisholm Drake (colonel, Quartermaster Corps), Army of the United States.

Brig. Gen. Bradford Grthen Chynoweth (colonel, Infantry), Army of the United States.

Brig. Gen. Clinton Albert Pierce (lieutenant colonel, Cavalry), Army of the United States.

Brig. Gen. Arnold John Funk (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. Lewis Charles Beebe (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. Luther Rea Stevens (colonel, Infantry, Philippine Army), Philippine Army.

To be assistants to the Surgeon General, with the rank of brigadier general, for a period of 4 years from date of acceptance

Brig. Gen. Raymond Whitecomb Bliss (colonel, Medical Corps), Army of the United States, vice Maj. Gen. Shelley Uriah Marietta, United States Army, retired.

Brig. Gen. George Corwin Beach, Jr., (colonel, Medical Corps), Army of the United States, vice Brig. Gen. Addison Dimmitt Davis, whose term of office expired May 30, 1945.

Brig. Gen. Edward Allen Noyes (colonel, Medical Corps), Army of the United States, vice Brig. Gen. Larry Benjamin McAfee, whose term of office expired May 30, 1945.

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

To be major general

Brig. Gen. Milton Baldrige Halsey (lieutenant colonel, Infantry), Army of the United States.

To be brigadier generals

Col. Kearnie Lee Berry (lieutenant colonel, Infantry), Army of the United States.

Col. Wyburn Dwight Brown (lieutenant colonel, Field Artillery), Army of the United States.

Col. Kenneth David Nichols (captain, Corps of Engineers), Army of the United States.

Col. Rodney Hamilton Smith, Coast Artillery Corps.

Col. Carlton Spencer Dargusch (lieutenant colonel, Judge Advocate General's Department, National Guard of the United States), Army of the United States.

Col. Charles Gurdon Sage, Coast Artillery Corps, National Guard of the United States.

Col. Francis Rusher Kerr, Infantry Reserve.

Col. Gerson Kirkland Heiss (lieutenant colonel, Ordnance Department), Army of the United States.

POSTMASTERS

The following-named persons to be postmasters:

COLORADO

Myrtle L. Huffaker, Hot Sulphur Springs, Colo., in place of N. C. Huffaker, deceased.

CONNECTICUT

G. Franklin Cowles, Canton, Conn. Office became Presidential July 1, 1945.

Clara B. Snow, Wapping, Conn. Office became Presidential July 1, 1945.

Orrin R. Bugbee, West Suffield, Conn. Office became Presidential July 1, 1945.

FLORIDA

Josephine Blondheim, Atlantic Beach, Fla., in place of K. S. Grey, deceased.

Ethel Godbold, Gifford, Fla. Office became Presidential July 1, 1945.

Thornton B. Mills, Summerfield, Fla., in place of J. L. Wall, retired.

GEORGIA

Dora L. Raulerson, Hortense, Ga. Office became Presidential July 1, 1945.

ILLINOIS

Dwight C. Beatty, Galesburg, Ill., in place of Ralph Hawthorne, resigned.

INDIANA

John Leonard, Birdseye, Ind., in place of A. W. Jackson, transferred.

James Perona, Blanford, Ind. Office became Presidential July 1, 1945.

Dorothy Fohl, Cedar Grove, Ind. Office became Presidential July 1, 1945.

William O. Burgess, Gas City, Ind., in place of F. A. Crandall, resigned.

James E. Cox, Newburg, Ind., in place of H. H. Powell, resigned.

Elsie B. Johnson, Westpoint, Ind., in place of M. C. Bennett, retired.

IOWA

Mary* T. Harper, College Springs, Iowa. Office became Presidential July 1, 1945.

Mary L. Smith, Holland, Iowa. Office became Presidential July 1, 1945.

KANSAS

Marjorie A. Cain, Delphos, Kans., in place of R. R. Bourne, transferred.

George M. Thomas, Morrowville, Kans., in place of P. S. Kozel, transferred.

LOUISIANA

Joseph M. Wilbanks, Deville, La. Office became Presidential July 1, 1945.

Fred F. Dubo, Jr., Garyville, La. Office became Presidential July 1, 1945.

John H. Henry, Melrose, La. Office became Presidential July 1, 1945.

Moise E. Chenevert, Plaquemine, La. Office became Presidential July 1, 1944.

MICHIGAN

Eva B. Quivey, Fulton, Mich. Office became Presidential July 1, 1945.

MISSOURI

Frank A. Johnson, Gainesville, Mo., in place of C. W. Boone, transferred.

MONTANA

Albert Leo Nix, Wibaux, Mont., in place of L. B. Cullen, retired.

NEBRASKA

Julius E. Arnold, Big Springs, Nebr., in place of P. C. Redfern, resigned.

Edward Borzych, Farwell, Nebr. Office became Presidential July 1, 1945.

Martha E. Castor, Stockville, Nebr., in place of I. G. Lidgard, resigned.

NEW YORK

Ruth E. Miller, Baldwin Place, N. Y. Office became Presidential July 1, 1945.

Charles E. Moston, Buskirk, N. Y. Office became Presidential July 1, 1945.

Roger John Ryan, Fabius, N. Y. Office became Presidential July 1, 1943.

Louis Nelson, Towners, N. Y. Office became Presidential July 1, 1945.

NORTH CAROLINA

Bessie L. Adams, Blounts Creek, N. C. Office became Presidential July 1, 1945.

Willie T. Smith, Dudley, N. C. Office became Presidential July 1, 1945.

Mildred C. Thompson, Hallsboro, N. C., in place of A. D. Wessell, deceased.

Helen J. Dellinger, Iron Station, N. C., in place of S. M. Hamrick, retired.

William R. Miller, Laurel Springs, N. C. Office became Presidential July 1, 1945.

OHIO

Mabel Stone, Empire, Ohio. Office became Presidential July 1, 1945.

Mark Emerson Allen, Highland, Ohio, in place of K. M. O'Brian, resigned.

LaMar L. Hahn, Malinta, Ohio, in place of D. D. Franz, retired.

Pauline D. Tussing, Pataskala, Ohio, in place of J. B. McFadden, removed.

Augusta A. McPherson, Rockland, Ohio. Office became Presidential July 1, 1945.

Earl C. Davis, Trimble, Ohio, in place of Z. B. Herrold, retired.

Ruth W. Scott, Vienna, Ohio, in place of Angela Polta, removed.

Watson S. Rice, West Farmington, Ohio, in place of F. A. Hawkins, deceased.

Glenn D. Heuberger, Wharton, Ohio, in place of J. H. Gibson, removed.

OKLAHOMA

Leroy K. Hawkins, Boynton, Okla., in place of H. B. Lyne, transferred.

Evah Kirksey, Porter, Okla., in place of J. S. Cole, transferred.

OREGON

Carl Burk, Hammond, Oreg., in place of F. O. Parsons, retired.

SOUTH DAKOTA

Lloyd E. Jackson, Fairfax, S. Dak., in place of G. W. Stanek, transferred.

TENNESSEE

Clyde C. Buck, Armathwaite, Tenn. Office became Presidential July 1, 1945.

Martha S. Bass, Gordonsville, Tenn. Office became Presidential July 1, 1944.

Raymond E. Scott, Scotts Hill, Tenn., in place of Roxie Pratt, removed.

TEXAS

Henry C. Martin, Easterly, Tex. Office became Presidential July 1, 1945.

Blanche Schimmelpfening, Helotes, Tex. Office became Presidential July 1, 1945.

Livy Atwell, Hutchins, Tex., in place of U. S. Atwell, deceased.

Clarence B. Keeney, Whitharral, Tex. Office became Presidential July 1, 1945.

WASHINGTON

Lola C. Fisher, Richmond Beach, Wash., in place of Frank Williams, removed.

Arloene Marchant, Seaview, Wash., in place of Archie Constable, removed.

WEST VIRGINIA

Cordia H. Covert, Yawkey, W. Va., in place of B. H. Oxley, deceased.

WISCONSIN

Helen A. Feye, Eastman, Wis. Office became Presidential July 1, 1945.

Rachel P. Porter, Fontana, Wis., in place of L. J. Porter, retired.

Stella J. McCollow, River Falls, Wis., in place of S. A. McCollow, deceased.

Nominations received January 23 (legislative day of January 18), 1946

INTERNATIONAL MONETARY FUND AND INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Fred M. Vinson, of Kentucky, to be United States Governor of the International Monetary Fund, and United States Governor of the International Bank for Reconstruction and Development for a term of 5 years.

William L. Clayton, of Texas, to be United States Alternate Governor of the International Monetary Fund, and United States Alternate Governor of the International Bank for Reconstruction and Development for a term of 5 years.

Harry D. White, of Maryland, to be United States Executive Director of the International Monetary Fund for a term of 2 years and until his successor has been appointed.

Emilio G. Collado, of New York, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of 2 years and until his successor has been appointed.

DIRECTOR OF CONTRACT SETTLEMENT

Horace Chapman Rose, of Ohio, to be Director of Contract Settlement, vice Robert H. Hinckley, resigned.

SELECTIVE SERVICE SYSTEM

Troy W. Lewis for appointment as Chief, Legal Division, Arkansas State Headquarters, Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Compensation for the position of Chief, Legal Division, Arkansas State Headquarters, Selective Service System, will be at the rate of \$5,180 per annum.

Colgate Hoyt for appointment as Assistant Chief, Veterans' Personnel Division, National Headquarters, Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Compensation for the position of Assistant Chief, Veterans' Personnel Division, National Headquarters, Selective Service System, will be at the rate of \$6,230 per annum.

Louis Carl Pedlar for appointment as Information Analyst, National Headquarters, Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Compensation for the position of Information Analyst, National Headquarters, Selective Service System, will be at the rate of \$5,180 per annum.

Candler Cobb for appointment as Director of Selective Service for New York City, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Compensation for the position of Director of Selective Service for New York City, will be at the rate of \$7,175 per annum.

Edmund A. Flagg for appointment as executive, Communications and Records Division, National Headquarters, Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended.

Compensation for the position of executive, Communications and Records Division, National Headquarters, Selective Service System, will be at the rate of \$5,180 per annum.

COLLECTOR OF CUSTOMS

Craig Pottinger, of Nogales, Ariz., to be collector of customs for customs collection district No. 26, with headquarters at Nogales, Ariz., in place of Wirt G. Bowman, who is resigning effective February 1, 1946.

TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

To be brigadier general

Col. Robert Joshua Gill, Army of the United States.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 23, 1946

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. McCORMACK.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou holy One, from Thy throne Thou hast said, "Behold, I make all things new." We bless Thee that out of the night comes the dawn; out of discord, peace. We would catch the light of Thy vision which strengthens and heals, and go on to the service of another day. As we are confronted with hard duties, we ask for grace sufficient to live each day aright, neither overpowered by temptation nor overwhelmed by burdens. We pray for that strength which triumphs over weakness, puts hope over fear, faith over doubt, and good cheer over discouragement.

Grant that there may be a rededication of all our people, with love for Thee and one another, scorning all lesser aims and purposes. O harken unto the cry of our Nation's needs and shed Thy light upon all perplexed problems and restore tranquility to all groups; lead them and purge them from personal pride and ambition. O redeem our land from idle luxury and let simplicity prevail at every fireside. In Thy holy name we ask mercy and forgiveness for our sins. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. LANE asked and was given permission to extend his remarks in the RECORD in three instances, and include in one an address he delivered; in the second an article which appeared in the Pilot, Boston, Mass., on January 12, 1946; and in the third an editorial which appeared in the Evening Tribune, Lawrence, Mass., on December 2, 1945.

Mr. ROMULO asked and was given permission to extend his remarks in the RECORD in two instances, and to include in one the broadcast of Frazier Hunt and his interview with F. Theo Rogers, and in the second editorials from the New York Times and the Washington Post.

REHABILITATION OF THE PHILIPPINES

Mr. ROMULO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the Resident Commissioner from the Philippines?

There was no objection.

Mr. ROMULO. Mr. Speaker, on behalf of my 18,000,000 countrymen in the Philippines, I rise to express our enthusiastic gratitude to the President of the United States for his sympathetic references to our Nation in his report to Congress.

President Truman declares that "perhaps no event in the long centuries of colonialism gives more hope for the pattern of the future than the independence of the Philippines." And he urges the Congress to "complete, as promptly and as generously as possible, legislation which will aid economic rehabilitation for the Philippines."

It is truly heartening for us to know that, in the midst of the pressing and troublesome problems which face America today, the President considers it essential that immediate action be taken on legislation for the rehabilitation of the Philippines. I am confident that the Members of this House are no less anxious to expedite the passage of this legislation.

Mr. Speaker, the independence of the Philippines will be an accomplished fact in 6 months. We advance toward this historic event in an atmosphere of post-war devastation. The fate of 18,000,000 human beings in the Philippines—18,000,000 people who are America's best friends in the Orient—depends upon the assistance we receive in the immediate future.

We cannot recover, we cannot rebuild, we cannot rehabilitate ourselves without help from the United States. We need this help now. The President, the members of the House Committee on Insular Affairs, and, indeed, all Americans everywhere, recognize America's responsibility in this urgent matter. All that is needed now is the final action.

I plead with the Congress to take this final action as speedily as possible.

REDUCTION OF NATIONAL DEBT LIMIT

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

[Mr. CARLSON addressed the House. His remarks appear in the Appendix.]

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks on the subject, Was It a Dream or Did He Have the Nightmare?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I quite agree with the gentleman from Kansas [Mr. CARLSON], the next Governor of the State of Kansas. The great question is, When you do get the money, then hold down that debt limit. Stop the spenders. I have been trying to analyze the President's address of Monday. When I see that on January 18 we had a national debt of \$278,607,426,754.76, then I begin to wonder whether the President's message was a real dream to him or whether it was a nightmare. If you will analyze that message and see what he has proposed, when he says he is going to have a balanced budget, I say that if he carries out the things he said in that budget he was going to do, he will never have a balanced budget as long as he is President, and he can be President for 14